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JOHN ADAMS

MASTERPIECES OF ELOQUENCE

FAMOUS ORATIONS OF GREAT WORLD LEADERS FROM EARLY GREECE TO THE PRESENT TIME

EDITED BY

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IN TWENTY-FIVE VOLUMES

VOLUME VI

NEW YORK
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ORATIONS

BURKE

IMPEACHMENT OF WARREN HASTINGS

THURSDAY, FEBRUARY 15, 1788

MY LORDS,—The gentlemen who have it in command to support the impeachment against Mr. Hastings have directed me to open the cause with a general view of the grounds upon which the Commons have proceeded in their charge against him. They have directed me to accompany this with another general view of the extent, the magnitude, the nature, the tendency, and the effect of the crimes which they allege to have been by him committed. They have also directed me to give an explanation (with their aid I may be enabled to give it) of such circumstances preceding the crimes charged on Mr. Hastings, or concomitant with them, as may tend to elucidate whatever may be found obscure in the articles as they stand. To these they wished me to add a few illustrative remarks on the laws, customs, opinions, and manners of the people concerned, and who are the objects of the crimes we charge on Mr. Hastings.

The several articles, as they appear before you, will be opened by other gentlemen with more particularity, with more distinctness, and, without doubt, with infinitely more ability, when they come to apply the evidence which naturally belongs to each article of this accusation. This, my lords, is the plan which we mean to pursue on the great charge which is now to abide your judgment.

My lords, I must look upon it as an auspicious circumstance to this cause, in which the honor of the kingdom and the fate of many nations are involved, that, from the first commencement of our parliamentary process to this, the hour of solemn trial, not the smallest difference of opinion has arisen between the two Houses.

My lords, there are persons who, looking rather upon what was to be found in our records and histories than what was to be expected from the public justice, had formed hopes consolatory to themselves and dishonorable to us. They flattered themselves that the corruptions of India would escape amid the dissensions of Parliament. They are disappointed. They will be disappointed in all the rest of their expectations, which they have formed upon everything except the merits of their cause. The Commons will not have the melancholy unsocial glory of having acted a solitary part in a noble but imperfect work. What the greatest inquest of the nation has begun, its highest tribunal will accomplish. At length justice will be done to India. It is true that your lordships will have your full share in this great achievement; but the Commons have always considered, that whatever honor is divided with you is doubled on themselves.

My lords, I must confess, that amid these encouraging prospects the Commons do not approach your bar without awe and anxiety. The magnitude of the interests which we have in charge will reconcile some degree of solicitude for the event with the undoubting confidence with which we repose ourselves upon your lordships' justice. For we are men, my lords; and men are so made that it is not only the greatness of danger, but the value of the adventure, which measures the degree of our concern in every

undertaking. I solemnly assure your lordships that no standard is sufficient to estimate the value which the Commons set upon the event of the cause they now bring before you. My lords, the business of this day is not the business of this man—it is not solely whether the prisoner at the bar be found innocent or guilty; but whether millions of mankind shall be made miserable or happy.

Your lordships will see in the progress of this cause, that there is not only a long-connected, systematic series of misdemeanors, but an equally connected system of maxims and principles invented to justify them. Upon both of these you must judge. According to the judgment that you shall give upon the past transactions in India, inseparably connected as they are with the principles which support them, the whole character of your future government in that distant empire is to be unalterably decided. It will take its perpetual tenor, it will receive its final impression, from the stamp of this very hour.

It is not only the interest of India, now the most considerable part of the British empire, which is concerned, but the credit and honor of the British nation itself will be decided by this decision. We are to decide by this judgment, whether the crimes of individuals are to be turned into public guilt and national ignominy, or whether this nation will convert the very offences which have thrown a transient shade upon its government, into something that will reflect a permanent lustre upon the honor, justice, and humanity of this kingdom.

My lords, there is another consideration, which augments the solicitude of the Commons equal to those other two great interests I have stated, those of our empire and our national character; something that, if possible, comes

more home to the hearts and feelings of every Englishman: I mean, the interests of our Constitution itself, which is deeply involved in the event of this cause. The future use, and the whole effect, if not the very existence, of the process of an impeachment of high crimes and misdemeanors before the peers of this kingdom, upon the charge of the Commons, will very much be decided by your judgment in this cause. This tribunal will be found (I hope it will always be found) too great for petty causes; if it should at the same time be found incompetent to one of the greatest—that is, if little offences, from their minuteness, escape you, and the greatest, from their magnitude, oppress you—it is impossible that this form of trial should not, in the end, vanish out of the Constitution. For we must not deceive ourselves; whatever does not stand with credit cannot stand long. And if the Constitution should be deprived, I do not mean in form, but virtually, of this resource, it is virtually deprived of everything else that is valuable in it. For this process is the cement which binds the whole together; this is the individuating principle that makes England what England is. In this court it is, that no subject, in no part of the empire, can fail of competent and proportionable justice: here it is that we provide for that which is the substantial excellence of our Constitution; I mean, the great circulation of responsibility, by which (excepting the supreme power) no man, in no circumstance, can escape the account which he owes to the laws of his country. It is by this process that magistracy, which tries and controls all other things, is itself tried and controlled. Other constitutions are satisfied with making good subjects; this is a security for good governors. It is by this tribunal that statesmen who abuse their

power, are accused by statesmen, and tried by statesmen, not upon the niceties of a narrow jurisprudence, but upon the enlarged and solid principles of state morality. It is here that those who by the abuse of power have violated the spirit of law can never hope for protection from any of its forms—it is here that those who have refused to conform themselves to its perfections, can never hope to escape through any of its defects. It ought, therefore, my lords, to become our common care to guard this your precious deposit, rare in its use, but powerful in its effect, with a religious vigilance, and never to suffer it to be either discredited or antiquated. For this great end your lordships are invested with great and plenary powers: but you do not suspend, you do not supersede, you do not annihilate, any subordinate jurisdiction; on the contrary, you are auxiliary and supplemental to them all.

Whether it is owing to the felicity of our times, less fertile in great offences than those which have gone before us, or whether it is from a sluggish apathy which has dulled and enervated the public justice, I am not called upon to determine; but, whatever may be the cause, it is now sixty-three years since any impeachment, grounded upon abuse of authority and misdemeanor in office, has come before this tribunal. The last is that of Lord Macclesfield, which happened in the year 1725. So that the oldest process known to the Constitution of this country has, upon its revival, some appearance of novelty. At this time, when all Europe is in a state of, perhaps, contagious fermentation—when antiquity has lost all its reverence and all its effect on the minds of men, at the same time that novelty is still attended with the suspicions that always will be attached to whatever is new—we have been

anxiously careful, in a business which seems to combine the objections both to what is antiquated and what is novel, so to conduct ourselves that nothing in the revival of this great parliamentary process shall afford a pretext for its future disuse.

My lords, strongly impressed as they are with these sentiments, the Commons have conducted themselves with singular care and caution. Without losing the spirit and zeal of a public prosecution, they have comported themselves with such moderation, temper, and decorum, as would not have ill become the final judgment, if with them rested the final judgment, of this great cause.

With very few intermissions, the affairs of India have constantly engaged the attention of the Commons for more than fourteen years. We may safely affirm, we have tried every mode of legislative provision, before we had recourse to anything of penal process. It was in the year 1774 we framed an act of Parliament for remedy to the then existing disorders in India, such as the then information before us enabled us to enact. Finding that the act of Parliament did not answer all the ends that were expected from it, we had, in the year 1782, recourse to a body of monitory resolutions. Neither had we the expected fruit from them. When, therefore, we found that our inquiries and our reports, our laws and our admonitions, were alike despised; that enormities increased in proportion as they were forbidden, detected, and exposed; when we found that guilt stalked with an erect and upright front, and that legal authority seemed to skulk and hide its head like outlawed guilt; when we found that some of those very persons who were appointed by Parliament to assert the authority of the laws of this kingdom, were the most forward, the most

bold, and the most active in the conspiracy for their destruction; then it was time for the justice of the nation to recollect itself. To have forborne longer would not have been patience, but collusion; it would have been participation with guilt; it would have been to make ourselves accomplices with the criminal.

We found it was impossible to evade painful duty without betraying a sacred trust. Having, therefore, resolved upon the last and only resource, a penal prosecution, it was our next business to act in a manner worthy of our long deliberation. In all points we proceeded with selection. We have chosen (we trust it will so appear to your lordships) such a crime, and such a criminal, and such a body of evidence, and such a mode of process, as would have recommended this course of justice to posterity, even if it had not been supported by an example in the practice of our forefathers.

First, to speak of the process: we are to inform your lordships that, besides that long previous deliberation of fourteen years, we examined, as a preliminary to this proceeding, every circumstance which could prove favorable to parties apparently delinquent, before we finally resolved to prosecute. There was no precedent to be found in the journals, favorable to persons in Mr. Hastings' circumstances, that was not applied to. Many measures utterly unknown to former parliamentary proceedings, and which, indeed, seemed in some degree to enfeeble them, but which were all to the advantage of those that were to be prosecuted, were adopted, for the first time, upon this occasion.—In an early stage of the proceeding, the criminal desired to be heard. He was heard; and he produced before the bar of the House that insolent and unbecoming

paper which lies upon our table. It was deliberately given in by his own hand, and signed with his own name. The Commons, however, passed by everything offensive in that paper with a magnanimity that became them. They considered nothing in it but the facts that the defendant alleged, and the principles he maintained; and after a deliberation, not short of judicial, we proceeded with confidence to your bar.

So far as to the process; which, though I mentioned last in the line and order in which I stated the objects of our selection, I thought it best to despatch first.

As to the crime which we chose, we first considered well what it was in its nature, under all the circumstances which attended it. We weighed it with all its extenuations, and with all its aggravations. On that review we are warranted to assert that the crimes with which we charge the prisoner at the bar are substantial crimes; that they are no errors or mistakes, such as wise and good men might possibly fall into; which may even produce very pernicious effects, without being in fact great offences. The Commons are too liberal not to allow for the difficulties of a great and arduous public situation. They know too well the domineering necessities which frequently occur in all great affairs. They know the exigency of a pressing occasion, which in its precipitate career bears everything down before it, which does not give time to the mind to recollect its faculties, to reinforce its reason, and to have recourse to fixed principles, but, by compelling an instant and tumultuous decision, too often obliges men to decide in a manner that calm judgment would certainly have rejected. We know, as we are to be served by men, that the persons who serve us must

be tried as men, and with a very large allowance, indeed, to human infirmity and human error. This, my lords, we knew, and we weighed before we came before you. But the crimes which we charge in these articles are not lapses, defects, errors of common human frailty, which, as we know and feel, we can allow for. We charge this offender with no crimes that have not arisen from passions which it is criminal to harbor; with no offences that have not their root in avarice, rapacity, pride, insolence, ferocity, treachery, cruelty, malignity of temper; in short, in nothing that does not argue a total extinction of all moral principle, that does not manifest an inveterate blackness of heart, dyed in grain with malice, vitiated, corrupted, gangrened to the very core. If we do not plant his crimes in those vices which the breast of man is made to abhor, and the spirit of all laws human and divine to interdict, we desire no longer to be heard upon this occasion. Let everything that can be pleaded on the ground of surprise or error, upon those grounds be pleaded with success: we give up the whole of those predicaments. We urge no crimes that were not crimes of forethought. We charge him with nothing that he did not commit upon deliberation; that he did not commit against advice, supplication, and remonstrance; that he did not commit against the direct command of lawful authority; that he did not commit after reproof and reprimand, the reproof and reprimand of those who are authorized by the laws to reprove and reprimand him. The crimes of Mr. Hastings are crimes not only in themselves, but aggravated by being crimes of contumacy. They were crimes not against forms, but against those eternal laws of justice which are our rule and our birthright. His offences are not in formal, technical lan-

guage, but in reality, in substance, and effect, *high* crimes and high misdemeanors.

So far as to the crimes. As to the criminal, we have chosen him on the same principle on which we selected the crimes. We have not chosen to bring before you a poor, puny, trembling delinquent, misled, perhaps, by those who ought to have taught him better, but who have afterward oppressed him by their power, as they had first corrupted him by their example. Instances there have been many, wherein the punishment of minor offences, in inferior persons, has been made the means of screening crimes of a high order, and in men of high description. Our course is different. We have not brought before you an obscure offender, who, when his insignificance and weakness are weighed against the power of the prosecution, gives even to public justice something of the appearance of oppression; no, my lords, we have brought before you the first man of India in rank, authority, and station. We have brought before you the chief of the tribe, the head of the whole body of eastern offenders; a captain-general of iniquity, under whom all the fraud, all the peculation, all the tyranny, in India, are embodied, disciplined, arrayed, and paid. This is the person, my lords, that we bring before you. We have brought before you such a person that, if you strike at him with the firm and decided arm of justice, you will not have need of a great many more examples. You strike at the whole corps if you strike at the head.

So far as to the crime: so far as to the criminal. Now, my lords, I shall say a few words relative to the evidence which we have brought to support such a charge, and which ought to be equal in weight to the charge itself.

It is chiefly evidence of record, officially signed by the criminal himself in many instances. We have brought before you his own letters, authenticated by his own hand. On these we chiefly rely. But we shall likewise bring before you living witnesses, competent to speak to the points to which they are brought.

When you consider the late enormous power of the prisoner; when you consider his criminal, indefatigable assiduity in the destruction of all recorded evidence; when you consider the influence he has over almost all living testimony; when you consider the distance of the scene of action—I believe your lordships, and I believe the world, will be astonished that so much, so clear, so solid, and so conclusive evidence of all kinds has been obtained against him. I have no doubt that in nine instances in ten the evidence is such as would satisfy the narrow precision supposed to prevail, and to a degree rightly to prevail, in all subordinate power and delegated jurisdiction. But your lordships will maintain what we assert and claim as the right of the subjects of Great Britain—that you are not bound by any rules of evidence, or any other rules whatever, except those of natural, immutable, and substantial justice.

God forbid the Commons should desire that anything should be received as proof from them, which is not by nature adapted to prove the thing in question. If they should make such a request they would aim at overturning the very principles of that justice to which they resort. They would give the nation an evil example that would rebound back on themselves, and bring destruction upon their own heads, and on those of all their posterity.

On the other hand, I have too much confidence in the

learning with which you will be advised, and the liberality and nobleness of the sentiments with which you are born, to suspect that you would, by any abuse of the forms, and a technical course of proceeding, deny justice to so great a part of the world that claims it at your hands. Your lordships always had an ample power, and almost unlimited jurisdiction; you have now a boundless object. It is not from this district, or from that parish, not from this city, or the other province, that relief is now applied for: exiled and undone princes, extensive tribes, suffering nations, infinite descriptions of men, different in language, in manners, and in rites—men, separated by every barrier of nature from you, by the providence of God are blended in one common cause, and are now become suppliants at your bar. For the honor of this nation, in vindication of this mysterious providence, let it be known that no rule formed upon municipal maxims (if any such rule exists) will prevent the course of that imperial justice which you owe to the people that call to you from all parts of a great disjointed world. For, situated as this kingdom is, an object, thank God, of envy to the rest of the nations; its conduct in that high and elevated situation will undoubtedly be scrutinized with a severity as great as its power is invidious.

It is well known that enormous wealth has poured into this country from India through a thousand channels, public and concealed; and it is no particular derogation from our honor to suppose a possibility of being corrupted by that by which other empires have been corrupted, and assemblies almost as respectable and venerable as your lordships have been directly or indirectly vitiated. Forty millions of money at least have within our memory been

brought from India into England. In this case the most sacred judicature ought to look to its reputation. Without offence we may venture to suggest that the best way to secure reputation is not by a proud defiance of public opinion, but by guiding our actions in such a manner as that public opinion may in the end be securely defied by having been previously respected and dreaded. No direct false judgment is apprehended from the tribunals of this country. But it is feared that partiality may lurk and nestle in the abuse of our forms of proceeding. It is necessary, therefore, that nothing in that proceeding should appear to mark the slightest trace, should betray the faintest odor of chicane. God forbid that when you try the most serious of all causes, that when you try the cause of Asia in the presence of Europe, there should be the least suspicion that a narrow partiality utterly destructive of justice should so guide us that a British subject in power should appear in substance to possess rights which are denied to the humble allies, to the attached dependants of this kingdom, who by their distance have a double demand upon your protection, and who by an implicit (I hope not a weak and useless) trust in you have stripped themselves of every other resource under heaven.

I do not say this from any fear, doubt, or hesitation, concerning what your lordships will finally do—none in the world; but I cannot shut my ears to the rumors which you all know to be disseminated abroad. The abusers of power may have a chance to cover themselves by those fences and intrenchments which were made to secure the liberties of the people against men of that very description. But God forbid it should be bruited from Pekin

to Paris that the laws of England are for the rich and the powerful, but to the poor, the miserable, and defenceless they afford no resource at all. God forbid it should be said no nation is equal to the English in *substantial* violence and in *formal* justice—that in this kingdom we feel ourselves competent to confer the most extravagant and inordinate powers upon public ministers, but that we are deficient, poor, helpless, lame, and impotent in the means of calling them to account for their use of them. An opinion has been insidiously circulated through this kingdom, and through foreign nations, too, that in order to cover our participation in guilt, and our common interest in the plunder of the East, we have invented a set of scholastic distinctions, abhorrent to the common-sense and unpropitious to the common necessities of mankind, by which we are to deny ourselves the knowledge of what the rest of the world knows, and what so great a part of the world both knows and feels. I do not deprecate any appearance which may give countenance to this aspersion from suspicion that any corrupt motive can influence this court; I deprecate it from knowing that hitherto we have moved within the narrow circle of municipal justice. I am afraid that, from the habits acquired by moving within a circumscribed sphere, we may be induced rather to endeavor at forcing nature into that municipal circle, than to enlarge the circle of national justice to the necessities of the empire we have obtained.

This is the only thing which does create any doubt or difficulty in the minds of sober people. But there are those who will not judge so equitably. Where two motives, neither of them perfectly justifiable, may be assigned, the worst has the chance of being preferred. If,

from any appearance of chicane in the court, justice should fail, all men will say, better there were no tribunals at all. In my humble opinion, it would be better a thousand times to give all complainants the short answer the Dey of Algiers gave a British ambassador representing certain grievances suffered by the British merchants—"My friend" (as the story is related by Dr. Shawe), "do not you know that my subjects are a band of robbers, and that I am their captain?"—better it would be a thousand times, and a thousand thousand times more manly than a hypocritical process, which, under a pretended reverence to punctilious ceremonies and observances of law, abandons mankind, without help and resource, to all the desolating consequences of arbitrary power. The conduct and event of this cause will put an end to such doubts, wherever they may be entertained. Your lordships will exercise the great plenary powers with which you are invested in a manner that will do honor to the protecting justice of this kingdom, that will completely avenge the great people who are subjected to it. You will not suffer your proceedings to be squared by any rules, but by their necessities, and by that law of a common nature which cements them to us and us to them. The reports to the contrary have been spread abroad with uncommon industry, but they will be speedily refuted by the humanity, simplicity, dignity, and nobleness of your lordships' justice.

Having said all that I am instructed to say concerning the process which the House of Commons has used, concerning the crimes which they have chosen, concerning the criminal upon whom they attach the crimes, and concerning the evidence which they mean to produce, I am now to proceed to open that part of the business which

falls to my share. It is rather an explanation of the circumstances than an enforcement of the crimes.

Your lordships, of course, will be apprised that this cause is not what occurs every day in the ordinary round of municipal affairs; that it has a relation to many things, that it touches many points in many places, which are wholly removed from the ordinary beaten orbit of our English affairs. In other affairs every allusion immediately meets its point of reference; nothing can be started that does not immediately awaken to your attention something in your own laws and usages which you meet with every day in the ordinary transactions of life. But here you are caught, as it were, into another world; you are to have the way pioneered before you. As the subject is new, it must be explained; as it is intricate as well as new, that explanation can be only comparatively short: and, therefore, knowing your lordships to be possessed, along with all other judicial virtues, of the first and foundation of them all, judicial patience, I hope that you will not grudge a few hours to the explanation of that which has cost the Commons fourteen years' assiduous application to acquire—that your lordships will not disdain to grant a few hours to what has cost the people of India upward of thirty years of that innate, inveterate, hereditary patience to endure.

My lords, the powers which Mr. Hastings is charged with having abused, are the powers delegated to him by the East India Company. The East India Company itself acts under two very dissimilar sorts of powers, derived from two sources very remote from each other. The first source of its power is under charters which the crown of Great Britain was authorized by act of Parliament to grant;

the other is from several charters derived from the emperor of the Moguls, the person in whose dominions they were chiefly conversant: particularly that great charter by which, in the year 1766, they acquired the high stewardship of the kingdoms of Bengal, Bahar, and Orissa. Under those two bodies of charters, the East India Company and all their servants are authorized to act.

As to those of the first description, it is from the British charters that they derive the capacity by which they are considered as a public body, or at all capable of any public function. It is from thence they acquire the capacity to take from any power whatsoever any other charter, to acquire any other offices, or to hold any other possessions. This, being the root and origin of their power, renders them responsible to the party from whom all their immediate and consequential powers are derived. As they have emanated from the supreme power of this kingdom, the whole body and the whole train of their servants, the corporate body as a corporate body, individuals as individuals, are responsible to the high justice of this kingdom. In delegating great power to the East India Company this kingdom has not released its sovereignty; on the contrary, the responsibility of the company is increased by the greatness and sacredness of the powers that have been intrusted to it. Attempts have been made abroad to circulate a notion that the acts of the East India Company and their servants are not cognizable here. I hope on this occasion your lordships will show that this nation never did give a power without annexing to it a proportionable degree of responsibility.

As to their other powers, the Company derives them from the Mogul empire by various charters from that

crown, and from the great magistrates of that crown, and particularly by the Mogul charter of 1765, by which they obtained the Duanni, that is, the office of Lord High Steward of the kingdoms of Bengal, Bahar, and Orissa. By that charter they bound themselves (and bound inclusively all their servants) to perform all the duties belonging to that new office, and to be held by all the ties belonging to that new relation. If the Mogul empire had existed in its vigor, they would have been bound under that responsibility to observe the laws, rights, usages, and customs of the natives, and to pursue their benefit in all things. For this duty was inherent in the nature, institution, and purpose of the office which they received. If the power of the sovereign, from whom they derived those powers, should by any revolution in human affairs be annihilated or suspended, their duty to the people below them, which was created under the Mogul charter, is not annihilated, is not even suspended; and for their responsibility in the performance of that duty they are thrown back upon that country (thank God, not annihilated) from whence their original power and all subsequent derivative powers have flowed. When the Company acquired that high office in India, an English corporation became an integral part of the Mogul empire. When Great Britain virtually assented to that grant of office, and afterward took advantage of it, Great Britain guaranteed the performance of all its duties. Great Britain entered into a virtual act of union with that country, by which we bound ourselves as securities to preserve the people in all the rights, laws, and liberties which their natural original sovereign was bound to support, if he had been in condition to support them. By the disposition of events the

two duties, flowing from two different sources, are now united in one. The people of India therefore come, in the name of the Commons of Great Britain, but in their own right, to the bar of this House, before the supreme royal justice of this kingdom, from whence originally all the powers under which they have suffered were derived.

It may be a little necessary, when we are stating the powers the Company have derived from their charter, and which we state Mr. Hastings to have abused, to state in as short and as comprehensive words as I can (for the matter is large indeed) what the constitution of that Company is; I mean, chiefly, what it is in reference to its Indian service, the great theatre of the abuse. Your lordships will naturally conceive that it is not to inform you, but to revive circumstances in your memory, that I enter into this detail.

You will therefore recollect that the East India Company had its origin about the latter end of the reign of Elizabeth, a period of projects, when all sorts of commercial adventures, companies, and monopolies were in fashion. At that time the Company was constituted, with extensive powers for increasing the commerce and the honor of this country; because increasing its commerce without increasing its honor and reputation would have been thought at that time, and will be thought now, a bad bargain for the country. The powers of the Company were, under that charter, merely commercial. By degrees, as the theatre of operation was distant; as its intercourse was with many great, some barbarous, and all of them armed nations—nations in which not only the sovereign but the subjects were armed; it was found necessary to enlarge their powers. The first power they obtained was

a power of naval discipline in their ships—a power which has been since dropped; the next was a power of law martial; the next was a power of civil and, to a degree, of criminal jurisdiction within their own factories, upon their own people and their own servants; the next was—and here was a stride indeed—the power of peace and war. Those high and almost incommunicable prerogatives of sovereignty, which were hardly ever known before to be parted with to any subjects, and which, in several states, were not wholly intrusted to the prince or head of the commonwealth himself, were given to the East India Company. That Company acquired these powers about the end of the reign of Charles II.; and they were afterward more fully as well as more legally given by Parliament after the Revolution. From this time the East India Company was no longer merely a mercantile company, formed for the extension of the British commerce; it more nearly resembled a delegation of the whole power and sovereignty of this kingdom sent into the East. From that time the Company ought to be considered as a subordinate sovereign power; that is, sovereign with regard to the objects which it touched, subordinate with regard to the power from whence its great trust was derived. Under these successive arrangements things took a course very different from their usual order. A new disposition took place, not dreamed of in the theories of speculative politicians, and of which few examples in the least resembling it have been seen in the modern world, none at all in the ancient. In other instances a political body, that acts as a commonwealth, was first settled, and trade followed as a consequence of the protection obtained by political power; but here the course of affairs was reversed

The constitution of the Company began in commerce and ended in empire. Indeed, wherever the sovereign powers of peace and war are given, there wants but time and circumstance to make these powers supersede every other. The affairs of commerce will fall at last into their proper rank and situation. However primary in their original intention, they will become secondary. The possession, therefore, and the power of assertion of these great authorities coinciding with the improved state of Europe, with the improved state of arts in Europe, with the improved state of laws, and, what is much more material, the improved state of military discipline, more and more perfected every day with us—universal improvement in Europe coinciding with the general decay of Asia (for the proud day of Asia is passed)—this improvement coinciding with the relaxation and dissolution of the Mogul government, with the decline of its warlike spirit, with the total disuse of the ancient strictness of the military discipline established by Tamerlane—the India Company came to be what it is—a great empire, carrying on subordinately a great commerce: it became that thing which was supposed by the Roman law irreconcilable to reason and propriety—*eundem negotiatorem et dominum:* the same power became the general trader, the same power became the supreme lord.

In this exalted situation the India Company, however, still preserves traces of its original mercantile character. The whole exterior order of its political service is carried on upon a mercantile plan and mercantile principles. In fact the East India Company in Asia is a state in the disguise of a merchant. Its whole service is a system of public offices in the disguise of a counting-house.

Accordingly, the whole external order and series of the service, as I observed, is commercial; the principal, the inward, the real, is almost entirely political.

This system of the Company's service, its order and discipline, is necessary to be explained to your lordships, that you may see in what manner the abuses have affected it. In the first place, all the persons who go abroad in the Company's civil service enter as clerks in the counting-house, and are called by a name to correspond to it, *writers*. In that condition they are obliged to serve five years. The second step is that of a *factor*, in which they are obliged to serve three years. The third step they take is that of a *junior merchant*, in which they are obliged to serve three years more. At that period they become *senior merchants*, which is the highest stage of advance in the Company's service; a rank by which they had pretensions, before the year 1774, to the council, to the succession of the presidency, and to whatever other honors the Company has to bestow.

The Company had, in its early times, established factories in certain places, which factories by degrees grew to the name of presidencies and council, in proportion as the power and influence of the Company increased, and as the political began first to struggle with and at length to predominate over the mercantile. In this form it continued till the year 1773; when the legislature broke in, for proper reasons urging them to it, upon that order of the service, and appointed to the superior department persons who had no title to that place under the ordinary usage of the service. Mr. Hastings and Mr. Barwell, whatever other titles they might have had, held solely under the act of Parliament nominating them to that authority; but

in all other respects, except where the act and other subsequent acts have not broken in upon it, the whole course of the service remains upon the ancient footing, that is, the commercial footing, as to the gradation and order of service.

Your lordships see here a regular series of gradation, which requires eleven years before any persons can arrive at the highest trusts and situations. You will therefore be astonished, when so long a probationary service was required, that effects very different from those to be expected from long probation have happened; and that in a much shorter time than those eleven years you have seen persons returning into this kingdom with affluent, with overbearing fortunes. It will be a great part of your inquiry, when we come before your lordships to substantiate evidence against Mr. Hastings, to discover how that order came to be so completely broken down and erased that scarce a trace of it for any good purpose remains. Though I will not deny that that order, or that any order in a state, may be superseded by the ruling power when great talents upon pressing exigencies are to be called forth, yet I must say the order itself was formed upon wise principles. It furnished the persons who were put in that course of probation with an opportunity (if circumstances enabled them) of acquiring experience in business of revenue, trade, and policy. It gave to those who watched them a constant inspection of their conduct through all their progress. On the expectants of office it imposed the necessity of acquiring a character in proportion to their standing, in order that all which they had gained by the good behavior of years should not be lost by the misconduct of an hour. It was a great substantial

regulation. But scarce a trace of the true spirit of it remains to be discovered in Mr. Hastings' government; for Mr. Hastings established offices, nay, whole systems of offices, and especially a system of offices in 1781, which being altogether new, none of the rules of gradation applied to them; and he filled those offices in such a manner as suited best, not the constitution nor the spirit of the service, but his own particular views and purposes. The consequence has been, that persons in the most immature stages of life have been appointed to conduct affairs which required the greatest maturity of judgment, the greatest possible temper and moderation. Effects naturally consequent have followed upon it.—I shall not trouble your lordships with any further observations on this system of gradation.

I must however remark, before I go further, that there is something in the representation of the East India Company, in their Oriental territory, different from that, perhaps, of any other nation that has ever transported any part of its power from one country to another. The East India Company, in India, is not properly a branch of the British nation, it is only a deputation of individuals. When the Tartars entered into China, when the Arabs and Tartars successively entered into Hindustan, when the Goths and Vandals penetrated into Europe, when the Normans forced their way into England, indeed in all conquests, migrations, settlements, and colonizations, the new people came as the offset of a nation. The Company in India does not exist as a national colony. In effect and substance, nobody can go thither that does not go in its service. The English in India are nothing but a seminary for the succession of officers. They are a nation of

placemen—they are a commonwealth without a people; they are a state made up wholly of magistrates. There is nothing to be in propriety called people, to watch, to inspect, to balance against the power of office. The power of office, so far as the English nation is concerned, is the sole power in the country. The consequence of which is, that being a kingdom of magistrates, what is commonly called the *esprit du corps* is strong in it. This spirit of the body predominates equally in all its parts; by which the members must consider themselves as having a common interest, and that common interest separated both from that of the country which sent them out, and from that of the country in which they act. No control upon them exists; none, I mean, in persons who understand their language, who understood their manners, or can apply their conduct to the laws. Therefore, in a body so constituted, confederacy is easy, and has been general. Your lordships are not to expect that that should happen in such a body which never happened in any body or corporation, that is, that they should in any instance be a proper check and control upon themselves. It is not in the nature of things. The fundamental principle of the whole of the East India Company's system is monopoly in some sense or other. The same principle predominates in the service abroad and the service at home; and both systems are united into one, animated with the same spirit, that is, with the corporate spirit. The whole, taken together, is such as has not been seen in the examples of the Moors, the Portuguese, the Spaniards, the Romans; in no old, in no recent examples. The Dutch may resemble it, but they have not an empire properly so denominated. By means of this peculiar circumstance it has not

been difficult for Mr. Hastings to embody abuse, and to put himself at the head of a regular system of corruption.

Another circumstance in that service is deserving of notice. Except in the highest parts of all, the emoluments of office do not in any degree correspond with the trust, nor the nature of the office with its name. In other official systems the style, in general, is above the function; here is it the reverse. Under the name of junior merchant, senior merchant, writer, and other petty appellations of the counting-house, you have magistrates of high dignity, you have administrators of revenues truly royal—you have judges civil, and in some respects criminal, who pass judgment upon the greatest properties of a great country. The legal public emoluments that belong to them are very often so inadequate to the real dignity of the character, that it is impossible, almost absolutely impossible, for the subordinate parts of it, which though subordinate are stations of power, to exist as Englishmen who look at a fortune to be enjoyed at home as their ultimate object, and to exist in a state of perfect incorruption in that service.

In some parts of Europe it is true that the greatest situations are often attended with but little emolument; yet still they are filled. Why? Because reputation, glory, fame, the esteem, the love, the tears of joy which flow from happy sensibility, the honest applauses of a grateful country, sometimes pay the cares, anxieties, and toils which wait on great situations in the commonwealth: and in these, they pay in money what cannot be paid in fame and reputation. It is the reverse in the service of the India Company. Glory is not the lot of subordinated merit; and all the subordinate parts of the gradation are officers who, in comparison with the offices and duties in-

trusted with them, are miserably provided for; whereas the chief of each great presidency has emoluments securing him against every mode of temptation. But if this has not secured the head, we may easily judge how the members are to be coerced. Mr. Hastings at the head of the service, with high legal emoluments, has fouled his hands and sullied his government with bribes. He has substituted oppression and tyranny in the place of legal government. With all that unbounded, licentious power which he has assumed over the public revenues, instead of endeavoring to find a series of gradual, progressive, honorable, and adequate rewards for the persons who serve the public in the subordinate but powerful situations, he has left them to prey upon the people without the smallest degree of control. In default of honest emolument, there is the unbounded license of power; and (as one of the honestest and ablest servants of the Company said to me in conversation) the civil service of the Company resembled the military service of the Mahrattas—little pay, but unbounded license to plunder. I do not say that some of the salaries given in India would not sound well here; but when you consider the nature of the trusts, the dignity of the situation, whatever the name of them may be, the powers that are granted, the hopes that every man has of establishing himself at home—I repeat, it is a source of infinite grievance—of infinite abuse: of which source of corrupt power we charge Mr. Hastings with having availed himself in filling up the void of direct pay, by finding out and countenancing every kind of oblique and unjust emolument; though it must be confessed that he is far from being solely guilty of this offence.

Another circumstance which distinguishes the East India Company is the youth of the persons who are employed in the system of that service. The servants have almost universally been sent out to begin their progress and career in active occupation, and in the exercise of high authority, at that period of life which in all other places has been employed in the course of a rigid education. To put the matter in a few words, they are transferred from slippery youth to perilous independence, from perilous independence to inordinate expectations, from inordinate expectations to boundless power. Schoolboys without tutors, minors without guardians, the world is let loose upon them, with all its temptations; and they are let loose upon the world, with all the powers that despotism involves.

It is further remarkable, these servants exercise what your lordships are now exercising, high judicial powers; and they exercise them without the smallest study of any law either general or municipal. It is made a sort of rule in the service, a rule confirmed even by the attempts that were made to correct it (I mean, confirmed by Sir Elijah Impey, when under the auspices of Mr. Hastings he undertook to be legislator for India), that the judicial character, the last in the order of legal progress, that to which all professional men look up as the crown of their labors, that ultimate hope of men grown gray in professional practice, is among the first experimental situations of a company's servant. It is expressly said in that body of regulations to which I allude, that the office and situation of a judge of the dewanny courts of adawlet is to be filled by the *junior* servants of the Company; and as the judicial emolument is not substantially equal to that of other situ-

ations, the office of a judge is to be taken, as it were *in transitu*, as a passage to other offices not of a judicial nature. As soon, therefore, as a young man has supplied the defects of his education by the advantage of some experience, he is immediately translated to a totally different office: and another young man is substituted to learn, at the expense of the property of India, to fill a situation which, when he may be qualified to fill, he is no longer to hold.

It is in a great measure the same with regard to the other situations. They are the situations of great statesmen, which, according to the practice of the world, require to fill properly, rather a large converse with men and much intercourse in life, than deep study of books; though that too has its eminent service. We know that in the habits of civilized life in cultivated society there is imbibed by men a good deal of the solid practice of government, of the true maxims of state, and everything that enables a man to serve his country. But these men are sent over to exercise functions at which a statesman here would tremble, without any theoretical study, and without any of that sort of experience which in mixed societies of business and converse, form men gradually and insensibly to great affairs. Low cunning, intrigue, and stratagem are soon acquired; but manly, durable policy, which never sacrifices the general interest to a partial or momentary advantage, is not so cheaply formed in the human understanding.

Mr. Hastings, in his defence before the House of Commons and in the defences he has made before your lordships, has lamented his own situation in this particular. It was much to be lamented, indeed. How far it

will furnish justification, extenuation, or palliation of his conduct, when we come to examine that conduct, will be seen.

These circumstances in the system have, in a great degree, vitiated and perverted what is in reality—and many things are in reality—excellent in it. They have rendered the application of all correctives and remedies to abuse at best precarious in their operation. The laws that we have made, the covenants which the Company has obliged its servants to enter into, the occasional orders that have been given at least ostensibly good, all have proved noxious to the country, instead of beneficial. To illustrate this point I beg leave to observe to your lordships that the servants of the Company are obliged to enter into that service not only with an impression of the general duty which attaches upon all servants, but are obliged to engage in a specific covenant with their masters to perform all the duties described in that covenant (which are all the duties of their relation) under heavy penalties. They are bound to a repetition of these covenants at every step of their progress, from writer to factor, from factor to junior merchant, and from junior merchant to senior merchant. They ought, according to the rule, renew these covenants at these times by something (I speak without offence) which may be said to resemble Confirmation in the Church. They are obliged to renew their obligation in particular to receive no gifts, gratuities, or presents whatsoever.

This scheme of covenants would have been wise and proper if it had belonged to a judicious order and rational consistent scheme of discipline. The orders of the Company have forbidden their servants to take any extrane-

ous emoluments. The act of Parliament has fulminated against them. Clear positive laws and clear positive private engagements have no exception of circumstances in them, no difference *quoad majus et minus*, but every one who offends against the law is liable to the law. The consequence is this—he who has deviated but an inch from the straight line, he who has taken but one penny of unlawful emolument—and all have taken many pennies of unlawful emolument—does not dare to complain of the most abandoned extortion and cruel oppression in any of his fellow-servants. He who has taken a trifle perhaps as the reward of a good action is obliged to be silent when he sees whole nations desolated around him. The great criminal at the head of the service has the laws in his hand; he is always able to prove the small offence, and crush the person who has committed it. This is one grand source of Mr. Hastings' power. After he had got the better of the parliamentary commission no complaint from any part of the service has appeared against Mr. Hastings. He is bold enough to state it as one presumption of his merit that there has been no such complaint. No such complaint, indeed, can exist. The spirit of the corps would of itself almost forbid it; to which spirit an informer is the most odious and detestable of all characters, and is hunted down, and has always been hunted down, as a common enemy. But here is a new security. Who can complain, or dares to accuse? The whole service is irregular; nobody is free from small offences; and, as I have said, the great offender can always crush the small one. If you examine the correspondence of Mr. Hastings, you would imagine, from many expressions very deliberately used by him, that the Company's

service was made out of the very filth and dregs of human corruption; but if you examine his conduct toward the corrupt body he describes, you would imagine he had lived in the speculative schemes of visionary perfection.

He was fourteen years at the head of that service; and there is not an instance, no, not one single instance, in which he endeavored to detect corruption—or that he ever in any one single instance attempted to punish it; but the whole service, with that whole mass of enormity which he attributes to it, slept, as it were, at once under his terror and his protection—under his protection if they did not dare to move against him; under terror from his power to pluck out individuals, and make a public example of them whenever he thought fit. And, therefore, that service, under his guidance and influence, was, beyond even what its own nature disposed it to, a service of confederacy, a service of connivance, a service composed of various systems of guilt, of which Mr. Hastings was the head and the protector. But this general connivance he did not think sufficient to secure to him the general support of the Indian interest. He went further. We shall prove to your lordships that when the Company were driven by shame, not by inclination, to order several prosecutions against delinquents in their service, Mr. Hastings, directly contrary to the duty of his office—directly contrary to the express and positive law of the court of directors, which law Parliament had bound upon him as his rule of action—not satisfied with his long tacit connivance, ventured before he left his government, and among his last acts, to pass a general act of pardon and indemnity, and at once ordered the whole body of the prosecutions directed by his masters, the Company, to be discharged.

Having had fourteen years' lease of connivance to bestow, and giving at the end a general release of all suits and actions, he now puts himself at the head of a vast body enriched by his bounties, connivances, and indemnities, and expects the support of those whom he had thus fully rewarded and discharged from the pursuit of the laws. You will find in the course of this business that when charges have been brought against him of any bribery, corruption, or other malversation, his course has been to answer little or nothing to that specific bribery, corruption, or malversation; his way has been to call on the court of directors to inquire of every servant who comes to Europe, and to say whether there was any one man in it that will give him an ill word. He has put himself into a situation in which he may always safely call to his character, and will always find himself utterly incapable of justifying his conduct. So far I have troubled your lordships with the system of confederacy and connivance which, under his auspices, was the vital principle of almost the whole service.

There is one member of the service which I have omitted; but whether I ought to have put it first or, as I do now, last, I must confess I am at some loss; because, though it appears to be the lowest (if any regular) part of the service, it is by far the most considerable and the most efficient; without a full consideration and explanation of which hardly any part of the conduct of Mr. Hastings, and of many others that may be in his situation, can be fully understood.

I have given your lordships an account of writers, factors, merchants, who exercise the office of judges, lord chancellors, chancellors of the exchequer, ministers of

state, and managers of great revenues. But there is another description of men of more importance than them all, a description you have often heard of, but which has not been sufficiently explained; I mean the banyan. When the Company's service was no more than mercantile, and the servants were generally unacquainted with the country, they used the intervention of certain factors among the natives, which were called banyans; we called them so because they were of the tribe or caste of the banyans or merchants, the Indians being generally distributed into trades according to their tribes. The name still continues when the functions of the banyans are totally altered. The banyan is known by other appellations. He is called dewan or steward; and, indeed, this is a term with more propriety applied to him in several of his functions. He is, by his name of office, the steward of the household of the European gentleman: he has the management of his affairs, and the ordering of his servants. He is himself a domestic servant, and generally chosen out of that class of natives who, by being habituated to misery and subjection, can submit to any orders, and are fit for any of the basest services. Trained under oppression (it is the true education) they are fit to oppress others. They serve an apprenticeship of servitude to qualify them for the trade of tyranny. They know all the devices, all the little frauds, all the artifices and contrivances, the whole panoply of the defensive armor by which ingenious slavery secures itself against the violence of power. They know all the lurking holes, all the winding recesses of the unfortunate; and they hunt out distress and misery even to their last retreats. They have suffered themselves; but far from being taught by those sufferings

to abstain from rigor, they have only learned the methods of afflicting their fellow slaves. They have the best intelligence of what is done in England. The moment a Company's servant arrives in India, and his English connections are known to be powerful, some of that class of people immediately take possession of him as if he were their inheritance. They have knowledge of the country and its affairs; they have money, they have the arts of making money. The gentleman who comes from England has none of these; he enters into that world as he enters into the world at large—naked. His portion is great simplicity, great indigence, and a strong disposition to relieve himself. The banyan, once in possession, employs his tyranny, not only over the native people of his country, but often over the master himself, who has little other share in the proceedings of his servant but in giving him the ticket of his name, to mark that he is connected with and supported by a European, who is himself well connected and supported at home. This is a commission which nothing can resist. From that moment forward it is not the Englishman, it is the black banyan that is the master. The nominal master often lives from his hand. We know how young men are sent out of this country: we know how happy we are to hear soon that they are no longer a burden to their friends and parents. The banyan knows it too. He supplies the young servant with money. He has him under his power; first, from the necessity of employing such a man; and next (and this is the more important of the two), he has that dreadful power over his master which every creditor has over his debtor. Actions the most abhorrent to his nature he must see done before his face: and thousands and thou-

sands worse are done in his absence, and he dare not complain. The banyan extorts, robs, plunders, and then gives him just what proportion of the spoil he pleases. If the master should murmur, the very power that was sent over to protect the people of India from these very abuses (the best things being perverted when applied to unknown objects, and put into unsuitable situations)—the very laws of England, by making the recovery of debts more easy, infinitely increase the power of the banyan over his master. Thus the supreme court of justice, the destined corrector of all abuses, becomes a collateral security for that abominable tyranny exercised by the moneyed banyans over Europeans as well as the natives. So, that while we are here boasting of the British power in the East, we are in perhaps more than half our service nothing but the inferior miserable instruments of the tyranny which the lowest part of the natives of India exercise, to the disgrace of the British authority, and to the ruin of all that is respectable among their own countrymen. They have subverted the first houses, totally ruined and undone the country, cheated and defrauded the revenue; the master a silent, sometimes a melancholy, spectator, until some office of high emolument has emancipated him. This has often been the true reason that the Company's servants in India, in order to free themselves from this horrid and atrocious servitude, are obliged to become instruments of another tyranny, and must prostitute themselves to men in power, in order to obtain some office that may enable them to escape the servitudes below, and enable them to pay their debts. And thus many have become the instruments of Mr. Hastings.

The banyans or dewans were originally among the lower

castes in the country. But now it is true that, after seeing the power and profits of these men—that there is neither power, profession, nor occupation to be had, which a reputable person can exercise, but through that channel—men of higher castes, and born to better things, have thrown themselves into that disgraceful servitude, have become menial servants to Englishmen, that they might rise by their degradation. But whoever they are, or of whatever birth, they have equally prostituted their integrity, they have equally lost their character; and once entered into that course of life, there is no difference between the best castes and the worst. That system Mr. Hastings confirmed, established, increased, and made the instrument of the most austere tyranny, of the basest peculations, and the most scandalous and iniquitous extortions.

In the description I have given of banyans a distinction is to be made. Your lordships must distinguish the banyans of the British servants in subordinate situations, and the banyans who are such to persons in higher authority. In the latter case the banyan is in strict subordination, because he may always be ruined by his superior; whereas in the former it is always in his power to ruin his nominal superior. It was not through fear but voluntarily, and not for the banyan's purposes but his own, Mr. Hastings has brought forward his banyan. He seated him in the houses of the principal nobility, and invested him with farms of the revenue; he has given him enormous jobs; he has put him over the heads of a nobility which for their grandeur, antiquity, and dignity might almost be matched with your lordships. He has made him supreme ecclesiastical judge, judge even of the very castes, in the

preservation of the separate rules and separate privileges of which that people exists. He who has dominion over the caste, has an absolute power over something more than life and fortune.

Such is that first or last (I know not which to call it) order in the Company's service called a banyan. The mutseddies clerks, accountants, of Calcutta, generally fall under this description. Your lordships will see hereafter the necessity of giving you, in the opening of the case, an idea of the situation of a banyan. You will see, as no Englishman, properly speaking, acts by himself, that he must be made responsible for that person called his banyan, for the power he either uses under him, or the power he has acquired over him. The banyan escapes, in the night of his complexion and situation, the inquiry that a white man cannot stand before in this country. Through the banyans or other black natives a bad servant of the Company receives his bribes. Through them he decides falsely against the titles of litigants in the court of castes, or in the offices of public registry. Through them Mr. Hastings has exercised oppressions which, I will venture to say, in his own name, in his own character, daring as he is (and he is the most daring criminal that ever existed), he never would dare to practice. Many, if not most, of the iniquities of his interior bad administration have been perpetrated through these banyans or other native agents and confidants; and we shall show you that he is not satisfied with one of them; confiding few of his secrets to Europeans, and hardly any of his instruments, either native or European, knowing the secrets of each other. This is the system of banyanism and of concealment which Mr. Hastings, instead of eradicating out of the service, has

propagated by example and by support, and enlarged by converting even Europeans into that dark and insidious character.

I have explained or endeavored to explain to your lordships these circumstances of the true spirit, genius, and character, more than the ostensible institutions, of the Company's service. I now shall beg leave to bring before you one institution, taken from the mercantile constitution of the Company, so excellent that I will venture to say that human wisdom has never exceeded it. In this excellent institution the counting-house gave lessons to the state. The active, awakened, and enlightened principle of self-interest will provide a better system for the guard of that interest, than the cold, drowsy wisdom of those who provide for a good out of themselves ever contrived for the public. The plans sketched by private prudence for private interest, the regulations by mercantile men for their mercantile purposes, when they can be applied to the discipline and order of the state, produce a discipline and order which no state should be ashamed to copy. The Company's mercantile regulations are admirably fitted for the government of a remote, large, disjointed empire. As merchants having factors abroad in distant parts of the world, they have obliged them to a minuteness and strictness of register, and to a regularity of correspondence, which no state has ever used in the same degree with regard to its public ministers. The Company has made it a fundamental part of their constitution, that almost their whole government shall be a written government. Your lordships will observe, in the course of the proceeding, the propriety of opening fully to you this circumstance in the government of India; that is, that the Company's

government is a government of writing—a government of record. The strictest court of justice, in its proceeding, is not more, perhaps not so much, a court of record as the India Company's executive service is, or ought to be, in all its proceedings.

In the first place, they oblige their servants to keep a journal, or diary, of all their transactions, public and private: they are bound to do this by an express covenant. They oblige them, as a corrective upon that diary, to keep a letter-book, in which all their letters are to be regularly entered. And they are bound, by the same covenant, to produce all those books upon requisition, although they should be mixed with affairs concerning their own private negotiations and transactions of commerce, or their closest and most retired concerns in private life. But, as the great corrective of all, they have contrived that every proceeding in public council shall be written—no debates merely verbal. The arguments, first or last, are to be in writing and recorded. All other bodies, the Houses of Lords, Commons, Privy Council, Cabinet Councils for secret state deliberations, enter only resolves, decisions, and final resolutions of affairs; the argument, the discussion, the dissent, does very rarely, if at all, appear. But the Company has proceeded much further, and done much more wisely, because they proceeded upon mercantile principles; and they have provided, either by orders or course of office, that all shall be written —the proposition, the argument, the dissent. This is not confined to their great council; but this order ought to be observed, as I conceive, and I see considerable traces of it in practice, in every provincial council, while the provincial councils existed, and even down to the minutest rami-

fication of their service. These books, in a progression from the lowest councils to the highest presidency, are ordered to be transmitted, duplicate and triplicate, by every ship that sails to Europe. On this system an able servant of the Company, and high in their service, has recorded his opinion, and strongly expressed his sentiments. Writing to the court of directors, he says, "It ought to be remembered that the basis upon which you rose to power, and have been able to stand the shock of repeated convulsions, has been the accuracy and simplicity of mercantile method, which makes every transaction in your service, and every expenditure, a matter of record."

My lords, this method not only must produce to them, if strictly observed, a more accurate idea of the nature of their affairs, and the nature of their expenditures, but it must afford them no trivial opportunity and means of knowing the true characters of their servants, their capacities, their ways of thinking, the turn and bias of their minds. If well employed, and but a little improved, the East India Company possessed an advantage unknown before to the chief of a remote government. In the most remote parts of the world, and in the minutest parts of a remote service, everything came before the principal, with a domestic accuracy and local familiarity. It was in the power of a director, sitting in London, to form an accurate judgment of every incident that happened upon the Ganges and the Gogra.

The use of this recorded system did not consist only in the facility of discovering what the nature of their affairs and the character and capacity of their servants were, but it furnished the means of detecting their misconduct; frequently of proving it, too, and of producing

the evidence to it judicially under their own hands. For your lordships must have observed that it is rare indeed that in a continued course of evil practices any uniform method of proceeding will serve the purposes of the delinquent. Innocence is plain, direct, and simple: guilt is a crooked, intricate, inconstant, and various thing. The iniquitous job of to-day may be covered by specious reasons; but when the job of iniquity of to-morrow succeeds, the reasons that have colored the first crime may expose the second malversation. The man of fraud falls into contradiction, prevarication, confusion. This hastens, this facilitates, conviction. Besides, time is not allowed for corrupting the records. They are flown out of their hands; they are in Europe; they are safe in the registers of the Company; perhaps they are under the eye of Parliament, before the writers of them have time to invent an excuse for a direct contrary conduct to that to which their former pretended principles applied. This is a great, a material part of the constitution of the Company. My lords, I do not think it to be much apologized for, if I repeat that this is the fundamental regulation of their service, and which, if preserved in the first instance, as it ought to be, in official practice in India, and then used as it ought to be in England, would afford such a mode of governing a great, foreign, dispersed empire, as I will venture to say few countries ever possessed even in governing the most limited and narrow jurisdiction.

It was the great business of Mr. Hastings' policy to subvert this great political edifice. His first mode of subverting it was by commanding the public ministers, paid by the Company, to deliver their correspondence upon the most critical and momentous affairs to him, in order to be

suppressed and destroyed at his pleasure. To support him in this plan of spoliation, he has made a mischievous distinction in public business, between public and private correspondence. The Company's orders and covenants made none. There are, readily I admit, thousands of occasions in which it is not proper to divulge promiscuously a private correspondence, though on public affairs, to the world; but there is no occasion in which it is not a necessary duty, on requisition, to communicate your correspondence to those who form the paramount government, on whose interests, and on whose concerns, and under whose authority, this correspondence has been carried on. The very same reasons which require secrecy with regard to others, demand the freest communication to them. But Mr. Hastings has established principles of confidence and secrecy toward himself, which have cut off all confidence between the directors and their ministers, and effectually kept them at least out of the secret of their own affairs.

Without entering into all the practices by which he has attempted to maim the Company's records, I shall state one more to your lordships; that is, his avowed appointment of spies and under-agents, who shall carry on the real state business, while there are public and ostensible agents who are not in the secret. The correspondence of those private agents he holds in his own hands, communicates as he thinks proper, but most commonly withholds. There remains nothing for the directors but the shell and husk of a dry, formal, official correspondence, which neither means anything, nor was intended to mean anything.

These are some of the methods by which he has defeated the purposes of the excellent institution of a re-

corded administration. But there are cases to be brought before this court, in which he has laid the axe at once to the root; which was, by delegating out of his own hands a great department of the powers of the Company, which he was himself bound to execute, to a board which was not bound to record their deliberations with the same strictness as he himself was bound. He appointed of his own usurped authority a board for the administration of the revenue, the members of which were expressly dispensed from recording their dissents, until they chose it; and in that office, as in a great gulf, a most important part of the Company's transactions has been buried.

Notwithstanding his unwearied pains in the work of spoliation, some precious fragments are left, which we ought infinitely to value, by which we may learn and lament the loss of what he has destroyed. If it were not for those inestimable fragments and wrecks of the recorded government, which have been saved from the destruction which Mr. Hastings intended for them all, the most shameful enormities that have ever disgraced a government or harassed a people would only be known in this country by secret whispers and unauthenticated anecdotes; the disgracers of government, the vexers and afflicters of mankind, instead of being brought before an awful public tribunal, might have been honored with the highest distinctions and rewards their country has to bestow; and sordid bribery, base peculation, iron-handed extortion, fierce, unrelenting tyranny, might themselves have been invested with those sacred robes of justice, before which this day they have cause to tremble.

Mr. Hastings, sensible of what he suffers from this register of acts and opinions, has endeavored to discredit

and ruin what remains of it. He refuses, in his defence to the House of Commons, in letters to the court of directors, in various writings and declarations, he refuses to be tried by his own recorded declarations; he refuses to be bound by his own opinions, delivered under his own hand. He knows that he and the record cannot exist together. He knows that what remains of the written constitution, which he has not destroyed, is enough to destroy him. He claims a privilege of systematic inconstancy; a privilege of prevarication; a privilege of contradiction; a privilege of not only changing his conduct, but the principles of his conduct, whenever it suits his occasions. But I hope your lordships will show the destroyers of that wise constitution, and the destroyers of those records, which are to be the securities against malversation in office, the discoverers and avengers of it, that whoever destroys the discoverer establishes the iniquity; that, therefore, your lordships will bind him to his own declarations, given on record under his own hand; that you will say to this unfaithful servant of the Company, what was said to another unfaithful person, upon a far less occasion, by a far greater authority, "Out of thy own mouth will I judge thee, thou wicked servant."

Having gone through what I have been instructed might be necessary to state to your lordships concerning the Company's constitution—I mean the real inside, and not the shell, of its constitution; having stated the abuses that existed in it; having stated how Mr. Hastings endeavored to perpetuate, and to increase, and to profit of the abuse, and how he has systematically endeavored to destroy, and has in some instances in fact destroyed, many things truly excellent in that constitution; if I have

not wasted your time in explanation of matters that you are already well acquainted with, I shall next beg leave to state to you the abuse in some particulars of the other part of the public authority, which the Company acquired over the natives of India in virtue of the royal charter of the present Mogul emperor, in the year 1766.

My lords, that you may the better judge of the abuse Mr. Hastings has made of the powers vested in him, it will be expedient to consider a little who the people are, to whose prejudice he has abused these powers. I shall explain this point with as much brevity as is consistent with the distinctness with which I mean to bring the whole before your lordships; and I beg to observe to you, that this previous discourse, rather explanatory than accusatorial (if I may use the expression), is meant rather to elucidate the nature of the matter to come before you in regular charges, than as proof of the charges themselves.

I know that a good deal of latitude is allowed to advocates, when opening a cause in a private court, to indulge themselves in their narratives leading to the charges they intend to bring. They are not always called to the strictest account for such prefatory matter, because the court, when it comes to judge, sifts and distinguishes it from the points to be strictly proved, and on whose merits the cause relies.

But I wish your lordships to know, that, with the high opinion I have of your gravity (and it is impossible for a man to conceive a higher), and sensible of the weight of those I represent at this place, namely, the Commons of Great Britain, I should be sorry that any one substantial fact, even in this explanatory opening, or even the color of the fact, should be alleged, which, when called upon,

I should not be ready to make good to you by proof—I mean, by proof adapted to its nature; public opinion by evidence of public opinion; by record that to which record is applicable; by oral testimony things to which oral testimony alone can be produced; and last of all, that which is matter of historic proof by historic evidence. This I hope to do with the usual allowance to errors and mistakes which is the claim of human infirmity.

Then, my lords, two distinct people inhabit India. Two sorts of people inhabit the same country, as totally distinct from each other in characters, lives, opinions, prejudices, and manners, as the inhabitants of countries most remote from each other. For both of these descriptions Mr. Hastings was bound to provide equally, agreeable to the terms of the charter which the Company received from the lawful governing power of that country—a charter received at its own solicitation—a charter not forced upon us by a superior power, but given at the immediate solicitation of the principal servants belonging to the Company—a charter solemnly accepted by the Company, and by them, I am very sorry to say, little regarded, or at least little regarded by their principal servants.

My lords, the first description of people who are subjected virtually to the British Empire through those mediums which I have described to you, are the original inhabitants of Hindustan, who have in all time, and beyond all the eras which we use (I mean always the two grand eras excepted), been the aboriginal inhabitants and proprietors of that country; with manners, religion, customs, and usages appropriated to themselves, and little resembling those of the rest of mankind. This description of men is commonly called Gentoos. The system and prin-

ciple of that government is locality. Their laws, their manners, their religion, are all local.

Their legislator, whoever he was (for who he was is a matter lost in the midst of a most obscure antiquity), had it as a great leading principle of his policy to connect the people with their soil. Accordingly, by one of those anomalies which a larger acquaintance with our species daily discovers, and which perhaps an attentive reflection might explain in the nature of man, this aboriginal people of India, who are the softest in their manners of any of our race, approaching almost to feminine tenderness, who are formed constitutionally benevolent, and in many particulars made to fill a larger circle of benevolence than our morals take in, who extend their goodwill to the whole animal creation—these people are, of all nations, the most unalliable to any other part of mankind. They cannot—the highest orders of them, at least, cannot—come into contact with any other. That bond which is one of the chief instruments of society, and which, supporting the individual, connects the species, can have no existence with them—I mean the convivial bond. That race can be held to no other by that great link of life. No Hindu can mix at meals even with those on whom he depends for the meat he eats. This circumstance renders it difficult for us to enter with due sympathy into their concerns, or for them to enter into ours, even when we meet on the same ground. But there are other circumstances which render our intercourse, in our mutual relation, very full of difficulty. The sea is between us. The mass of that element which, by appearing to disconnect, unites mankind, is to them a forbidden road. It is a great gulf fixed between you and them—not so much that elementary

gulf, but that gulf which manners, opinions, and laws have radicated in the very nature of the people. None of their high castes, without great danger to his situation, religion, rank, and estimation, can ever pass the sea; and this forbids, forever, all direct communication between that country and this. That material and affecting circumstance, my lords, makes it ten times more necessary, since they cannot come to us, to keep a strict eye upon all persons who go to them. It imposes upon us a stricter duty to guard, with a firm and powerful vigilance, those whose principles of conscience weaken their principles of self-defence. If we undertake to govern the inhabitants of such a country, we must govern them upon their own principles and maxims, and not upon ours. We must not think to force them into the narrow circle of our ideas; we must extend ours to take in their system of opinions and rites, and the necessities which result from both: all change on their part is absolutely impracticable. We have more versatility of character and manners, and it is we who must conform. We know what the empire of opinion is in human nature. I had almost said that the law of opinion was human nature itself. It is, however, the strongest principle in the composition of the frame of the human mind; and more of the happiness and unhappiness of mankind resides in that inward principle than in all external circumstances put together. But if such is the empire of opinion even among us, it has a pure, unrestrained, complete, and despotic power among them. The variety of balanced opinions in our minds weakens the force of each; for in Europe, sometimes, the laws of religion differ from the laws of the land; sometimes, the laws of the land differ from our laws of honor; our laws

of honor are full of caprice, differing from those other laws, and sometimes differing from themselves: but there the laws of religion, the laws of the land, and the laws of honor, are all united and consolidated in one invariable system, and bind men by eternal and indissoluble bonds to the rules of what, among them, is called his *caste*.

It may be necessary just to state to your lordships what a *caste* is. The Gentoo people from the oldest time have been distributed into various orders, all of them hereditary: these family orders are called castes; these castes are the fundamental part of the constitution of the Gentoo commonwealth, both in their church and in their state.

Your lordships are born to hereditary honors in the chief of your houses. The rest mix with the people. With the Gentoos, they who are born noble can never fall into any second rank. They are divided into four orders; the Brahmins, the Chittery, the Bice, and the Soodur, with many subdivisions in each. An eternal barrier is placed between them. The higher cannot pass into the lower; the lower cannot rise into the higher. They have all their appropriated rank, place, and situation, and their appropriated religion, too; which is essentially different in its rites and ceremonies, sometimes in its object, in each of those castes. A man who is born in the highest caste, which at once unites what would be tantamount in this country to the dignity of the peerage and the ennobled sanctity of the episcopal character, the Brahmin, who sustains these characters, if he loses his caste, does not fall into an inferior order, the Chittery, the Bice, or the Soodur, but he is thrown at once out of all ranks of society. He is precipitated from the proud-

est elevation of respect and honor to a bottomless abyss of contempt, from glory to infamy, from purity to pollution, from sanctity to profanation. No honest occupation is open to him. His children are no longer his children. Their parent loses that name. The conjugal bond is dissolved. Few survive this most terrible of all calamities. To speak to an Indian of his caste is to speak to him of his all.

But the rule of caste has, with them, given one power more to fortune than the manners of any other nation were ever known to do. For it is singular the caste may be lost, not only by certain voluntary crimes, but by certain involuntary sufferings, disgraces, and pollutions, that are utterly out of their power to prevent. Those who have patiently submitted to imprisonment—those who have not flinched from the scourge—those who have been as unmoved as marble under torture—those who have laughed at the menaces of death itself—have instantly given way when it has been attempted to subject them to any of those pollutions by which they lose caste. To this caste they are bound by all laws of all descriptions, human and divine; and inveterate usage has radicated it in them to a depth and with an adhesion with which no other known prejudice has been known to exist. Tyranny is, therefore, armed against them with a greater variety of weapons than are found in its ordinary stores.

This, among a thousand other considerations, speaks to us, in very authoritative language, with what care and circumspection we ought to handle people so delicate. In the course of this trial your lordships will see with horror the use which Mr. Hastings made, through several of his wicked and abominable instruments, chosen from the na-

tives themselves, of these superadded means of oppression. I shall prove, in the course of this trial, that he has put his own menial domestic servant—a wretch totally dependent—a wretch grossly ignorant—the common instrument of his bribery and peculation—he has enthroned him, I say, on the first seat of ecclesiastical jurisdiction, which was to decide upon the castes of all those people, including their rank, their family, their honor, and their happiness here, and, in their judgment, their salvation hereafter. Under the awe of this power, no man dared to breathe a murmur against his tyranny. Fortified in this security, he says, Who complains of me?—No, none of us dares complain of you, says the trembling Gentoo. No! your menial servant has my caste in his power. I shall not trouble your lordships with mentioning others; it was enough that Canto Baboo and Ginga Govind Sing, names to which your lordships are to be familiarized hereafter—it is enough that those persons had the caste and character of all the people of Bengal in their hands. Through them he has taken effectual security against all complaint. Your lordships will hence discern how very necessary it is become that some other personage should intervene, should take upon him their representation, and by his freedom and his power should supply the defects arising from their servitude and their impotence. The Commons of Great Britain charge themselves with this character.

My lords, these Gentoo people are the original people of Hindustan. They are still beyond comparison the most numerous. Faults this nation may have, but God forbid we should pass judgment upon people who framed their laws and institutions prior to our insect origin of yesterday. With all the faults of their nature, and er-

rors of their institutions, their institutions, which act so powerfully on their natures, have two material characteristics which entitle them to respect—first, great force and stability; and next, excellent moral and civil effects. Their stability has been proved by their holding on a uniform tenor for a duration commensurate to all the empires with which history has made us acquainted; and they still exist in a green old age, with all the reverence of antiquity, and with all the passion that people have to novelty and change. They have stood firm on their ancient base—they have cast their roots deep in their native soil; perhaps because they have never spread them anywhere else than in their native soil. Their blood, their opinions, and the soil of their country, make one consistent piece; admitting no mixture, no adulteration, no improvement: accordingly, their religion has made no converts; their dominion has made no conquests; but in proportion as their laws and opinions were concentred within themselves, and hindered from spreading abroad, they have doubled their force at home. They have existed in spite of Mohammedan and Portuguese bigotry, in spite of Tartarian and Arabian tyranny, in spite of all the fury of successive foreign conquest, in spite of a more formidable foe—the avarice of the English dominion.

I have spoken now, my lords, of what their principles are—their laws and religious institutions, in point of force and stability: I have given instances of their force in the very circumstance in which all the institutions of mankind in other respects show their weakness. They have existed when the country has been otherwise subdued. This alone furnishes full proof that there must be some powerful influ-

ence resulting from them beyond all our little fashionable theories upon such subjects.

The second consideration in the Gentoo institutions is their beneficial effects, moral and civil. The policy, civil or religious, or, as theirs is, composed of both, that makes a people happy, and a state flourishing (putting further and higher considerations out of the way, which are not now before us), must, undoubtedly, so far as human considerations prevail, be a policy wisely conceived in any scheme of government. It is confirmed by all observation that, where the Hindu religion has been established, that country has been flourishing. We have seen some patterns remaining to this day. The very country which is to be the subject of your lordships' judicial inquiry is an instance, by an entire change of government, of the different effects resulting from the rapacity of a foreign hand, and the paternal, lenient, protecting arm of a native government, formed on the long connection of prejudice and power. I shall give you its state under the Hindu government from a book written by a very old servant of the Company, whose authority is of the greater weight as the very destruction of all this scheme of government is the great object of the author.

The author, Mr. Holwell, divides the country of Bengal into its different provinces. He supposes what they then paid to the supreme government; he supposes what the country is capable of yielding; and his project is to change entirely the application of the revenues of the country, and to secure the whole into the hands of government. In enumerating these provinces, at last he comes to the province of Burdwan.

"In truth (says this author), it would be almost cru-

elty to molest this happy people; for in this district are the only vestiges of the beauty, purity, piety, regularity, equity, and strictness of the ancient Hindustan government. Here the property as well as the liberty of the people are inviolate. Here no robberies are heard of, either public or private. The traveller, either with or without merchandise, becomes the immediate care of the government, which allots him guards, without any expense, to conduct him from stage to stage; and these are accountable for the safety and accommodation of his person and effects. At the end of the first stage he is delivered over, with certain benevolent formalities, to the guards of the next, who, after interrogating the traveller as to the usage he had received in his journey, dismiss the first guard with a written certificate of their behavior, and a receipt for the traveller and his effects; which certificate and receipt are returnable to the commanding officer of the first stage, who registers the same, and regularly reports it to the rajah.

"In this form the traveller is passed through the country; and if he only passes, he is not suffered to be at any expense for food, accommodation, or carriage for his merchandise or baggage; but it is otherwise if he is permitted to make any residence in one place above three days, unless occasioned by sickness, or any unavoidable accident. If anything is lost in this district, for instance, a bag of money or other valuables, the person who finds it hangs it upon the next tree, and gives notice to the nearest chowkey, or place of guard, the officer of which orders immediate publication of the same by beat of tomtom, or drum."

These, my lords, are the effects universally produced

by the Hindu polity throughout that vast region, before it was distorted and put out of frame by the barbarism of foreign conquests. Some choice reserved spots continued to flourish under it to the year 1756. Some remained till Mr. Hastings obtained the means of utterly defacing them. Such was the prospect of Benares under the happy government of Bulwant Sing. Such was the happy state of the same Benares in the happy days of Cheit Sing, until in the year 1781 Mr. Hastings introduced *his* reform into that country.

Having stated the general outline of the manners of the original people of Hindustan, having stated the general principles of their policy, which either prohibit connection, or oblige us to a connection very different from what we have hitherto used toward them, I shall leave it to your lordships' judgment whether you will suffer such fair monuments of wisdom and benevolence to be defaced by the rapacity of your governors. I hope I have not gone out of my way to bring before you any circumstance relative to the Gentoo religion and manners, further than as they relate to the spirit of our government over them; for though there never was such food for the curiosity of the human mind as is found in the manners of this people, I pass it totally over.

I wish to divide this preliminary view into six periods; and your lordships will consider that of the Hindus, which I have now mentioned, as the first era.

The second era is an era of great misfortune to that country, and to the world in general; I mean, the time of the prophet Mahomet. The enthusiasm which animated his first followers, the despotic power which religion obtained through that enthusiasm, and the advantages de-

rived from both over the enervated great empires and broken, disunited lesser governments of the world, extended the influence of that proud and domineering sect from the banks of the Ganges to the banks of the Loire.

This second period is the era of the Arabs. These people made a great and lasting impression on India. They established, very early, Mohammedan sovereigns in all parts of it; particularly in the kingdom of Bengal, which is the principal object of our present inquiry. They held that kingdom, for a long series of years, under a dynasty of thirty-three kings; having begun their conquest and founded their dominion in Bengal not very long after the time of their prophet.

These people, when they first settled in India, attempted with the ferocious arm of their prophetic sword to change the religion and manners of that country; but at length, perceiving that their cruelty wearied out itself, and never could touch the constancy of the sufferers, they permitted the native people of the country to remain in quiet, and left the Mohammedan religion to operate upon them as it could, by appealing to the ambition or avarice of the great, or by taking the lower people, who have lost their castes, into this new sect; and thus, from the refuse of the Gentoo, increasing the bounds of the Mohammedan religion. They left many of the ancient rajahs of the country possessed of an inferior sovereignty; and where the strength of the country or other circumstances would not permit this subordination, they suffered them to continue in a separate state, approaching to independence, if not wholly independent.

The Mohammedans, during the period of the Arabs, never expelled or destroyed the native Gentoo nobility,

zemindars, or landholders of the country. They all, or almost all, remained fixed in their places, properties, and dignities; and the shadows of several of them remain under our jurisdiction.

The next, which is the third era, is an era the more necessary to observe upon, because Mr. Hastings has made many applications to it in his defence before the Commons; namely, the invasion of the Tartars, or the era of Tamerlane. These Tartars did not establish themselves on the ruins of the Hindus. Their conquests were over the other Mohammedans; for Tamerlane invaded Hindustan, as he invaded other countries, in the character of the great reformer of the Mohammedan religion. He came as a sort of successor to the rights of the prophet upon a divine title. He struck at all the Mohammedan princes who reigned at that time. He considered them as apostates, or at least as degenerated from the faith, and as tyrants abusing their power. To facilitate his conquests over these, he was often obliged to come to a sort of a composition with the people of the country he invaded. Tamerlane had neither time, nor means, nor inclination, to dispossess the ancient rajahs of the country.

Your lordships will observe that I propose nothing more than to give you an idea of the principles of policy which prevailed in these several revolutions, and not a history of the furious military achievements of a barbarous invader. Historians, indeed, are generally very liberal of their information concerning everything but what we ought to be very anxious to know. They tell us that India was conquered by Tamerlane, and conquered in such a year. The year will be found to coincide somewhere, I believe, with the end of the fourteenth century. Thinking

the mere fact as of little moment, and its chronology as nothing, but thinking the policy very material, which, indeed, is to be collected only here and there, in various books written with various views, I shall beg leave to lay before you a very remarkable circumstance relative to that policy, and taken from the same book to which I formerly referred, Mr. Holwell's.

"When the Hindu rajahs, or princes of Hindustan, submitted to Tamerlane, it was on these capital stipulations—that the emperor should marry a daughter of Rajah Cheit Sing's house; that the head of this house should be in perpetuity governors of the citadel of Agra, and anoint the king at his coronation; and that the emperors should never impose the jessera (or poll tax) upon the Hindus."

Here was a conqueror, as he is called, coming in upon terms; mixing his blood with that of the native nobility of the country he conquered; and, in consequence of this mixture, placing them in succession upon the throne of the country he subdued; making one of them even hereditary constable of the capital of his kingdom, and thereby putting his posterity as a pledge into their hands. What is full as remarkable, he freed the Hindus forever from that tax which the Mohammedans have laid upon every country over which the sword of Mahomet prevailed, namely, a capitation tax upon all who do not profess the religion of the Mohammedans. But the Hindus, by express charter, were exempted from that mark of servitude, and thereby declared not to be a conquered people. The native princes, in all their transactions with the Mogul government, carried the evident marks of this free condition in a noble independency of spirit. Within their own districts the authority of many of them seemed en-

tire. We are often led into mistakes concerning the government of Hindustan, by comparing it with those governments where the prince is armed with a full, speculative, entire authority; and where the great people have, with great titles, no privileges at all; or, having privileges, have those privileges only as subjects. But in Hindustan the modes, the degrees, the circumstances of subjection, varied infinitely. In some places hardly a trace at all of subjection was to be discerned; in some the rajahs were almost assessors of the throne, as in this case of the Rajah Cheit Sing. These circumstances mark that Tamerlane, however he may be indicated by the odious names of Tartar and conqueror, was no barbarian —that the people, who submitted to him, did not submit with the abject submission of slaves to the sword of a conqueror, but admitted a great, supreme emperor, who was just, prudent, and politic, instead of the ferocious, oppressive lesser Mohammedan sovereigns, who had before forced their way by the sword into the country.

That country resembled more a republic of princes with a great chief at their head than a territory in absolute, uniform, systematic subjection from one end to the other; in which light Mr. Hastings and others of late have thought proper to consider it. According to them, if a subordinate prince like Cheit Sing was not ready to pay any exorbitant sum on instant demand, or submit to any extent of fine which should be inflicted upon him by the mere will of the person who called *robbery* a *fine*, and who took the measure of that fine without either considering the means of paying, or the degree of delinquency that justified it, their properties, liberties, and lives were instantly forfeited. The rajahs of that country were armed—they

had fortresses for their security—they had troops. In the receipt of both their own and the imperial revenue, their securities for justice were in their own hands: but the policy of the Mogul princes very rarely led them to push that people to such extremity as it is supposed that on every slight occasion we have a right to push those who are the subjects of our pretended conquest.

Mr. Holwell throws much light on this policy, which became the standing law of the empire.

"In the unfortunate wars which followed the death of Manz O'Din Sevajee, Cheit Sing (the great rajah we have just mentioned) with a select body of Rhajapoots, by a well-conducted retreat, recovered Agra; and was soon after reconciled to the king (the Mogul) and admitted to his favor; conformable to the steady policy of this government in keeping a good understanding with the principal rajahs, and more especially with the head of this house, who is ever capable of raising and fomenting a very formidable party upon any intended revolution in this despotic and precarious monarchy."

You see that it was the monarchy that was precarious, not the rights of the subordinate chiefs. Your lordships see that, notwithstanding our ideas of Oriental despotism, under the successors of Tamerlane these principal rajahs, instead of being called wretches, and treated as such, as Mr. Hastings has thought it becoming to call and treat them, when they were in arms against their sovereign were regarded with respect, and were admitted to easy reconciliations; because in reality, in their occasional hostilities, they were not properly rebellious subjects, but princes, often asserting their natural rights and the just constitution of the country.

This view of the policy which prevailed during the dynasty of Tamerlane naturally conducts me to the next, which is the fourth era in this history—I mean the era of the Emperor Akber. He was the first of the successors of Tamerlane who obtained possession of Bengal. It is easy to show of what nature his conquest was. It was over the last Mohammedan dynasty. He, too, like his predecessor Tamerlane, conquered the prince, not the country. It is a certain mark that it was not a conquered country in the sense in which we commonly call a country conquered—that the natives, great men and landholders, continued in every part in the possession of their estates, and of the jurisdictions annexed to them. It is true that in the several wars for the succession to the Mogul empire, and in other of their internal wars, severe revenges were taken, which bore resemblance to those taken in the war of the Roses in this country, where it was the common course, in the heat of blood: "Off with his head, so much for Buckingham."—Yet, where the country again recovered its form and settlement, it recovered the spirit of a mild government. Whatever rigor was used with regard to the Mohammedan adventurers from Persia, Turkey, and other parts, who filled the places of servile grandeur in the Mogul court, the Hindus were a favored, protected, gently treated people.

The next, which is the fifth era, is a troubled and vexatious period—the era of the independent soubahs of Bengal. Five of these soubahs, or viceroys, governed from about the year 1717, or thereabout. They grew into independence partly by the calamities and concussions of that empire, which happened during the disputes for the succession of Tamerlane; and partly, and indeed

principally, by the great shock which the empire received when Thamas Kouli Khân broke into that country, carried off its revenues, overturned the throne, and massacred not only many of the chief nobility, but almost all the inhabitants of the capital city. This rude shock, which that empire was never able to recover, enabled the viceroys to become independent: but their independence led to their ruin. Those who had usurped upon their masters, had servants who usurped upon them. Allaverdy Khân murdered his master, and opened a way into Bengal for a body of foreign invaders, the Mahrattas, who cruelly harassed the country for several years. Their retreat was at length purchased, and by a sum which is supposed to amount to £5,000,000 sterling. By this purchase he secured the exhausted remains of an exhausted kingdom, and left it to his grandson, Surajah Dowlah, in peace and poverty. On the fall of Surajah Dowlah, in 1756, commenced the last, which is the sixth—the era of the British empire.

On the fifth dynasty I have only to remark to your lordships, that at its close the Hindu chiefs were almost everywhere found in possession of the country; that though Allaverdy Khân was a cruel tyrant, though he was an untitled usurper, though he racked and tormented the people under his government, urged, however, by an apparent necessity from an invading army of one hundred thousand horse in his dominions; yet under him the rajahs still preserved their rank, their dignity, their castles, their houses, their seigniories, all the insignia of their situation, and always the right, sometimes also the means, of protecting their subordinate people, till the last and unfortunate era of 1756.

Through the whole of this sketch of history I wish to

impress but one great and important truth upon your minds; namely, that through all these revolutions in government, and changes in power, a Hindu polity, and the spirit of a Hindu government, did more or less exist in that province, with which he was concerned, until it was finally to be destroyed by Mr. Hastings.

My lords, I have gone through all the eras precedent to those of the British power in India, and am come to the first of those eras. Mr. Hastings existed in India, and was a servant of the Company, before that era, and had his education between both. He is an antediluvian with regard to the British dominion in Bengal. He was coexistent with all the acts and monuments of that revolution, and had no small share in all the abuses of that abusive period which preceded his actual government. But, as it was during that transit from eastern to western power that most of the abuses had their origin, it will not be perfectly easy for your lordships thoroughly to enter into the nature and circumstances of them, without an explanation of the principal events that happened from the year 1756, until the commencement of Mr. Hastings' government; during a good part of which time we do not often lose sight of him. If I find it agreeable to your lordships; if I find that you wish to know these annals of Indian suffering and British delinquency; if you desire that I should unfold the series of the transactions from 1756 to the period of Mr. Hastings' government in 1771—that you may know how far he promoted what was good; how far he rectified what was evil; how far he abstained from innovation in tyranny, and contented himself with the old stock of abuse—your lordships will have the goodness to consult the strength which, from late indisposition,

begins almost to fail me. And if you think the explanation is not time lost in this new world, and in this new business, I shall venture to sketch out, as briefly and with as much perspicuity as I can give them, the leading events of that obscure and perplexed period which intervened between the British settlement in 1757 and Mr. Hastings' government. If I should be so happy as to succeed in that attempt, your lordships' minds will be prepared for hearing this cause. Then your lordships will have a clear view of the origin and nature of the abuses which prevailed in that government before Mr. Hastings obtained his greatest power, and since that time; and then we shall be able to enter fully and explicitly into the nature of the cause; and I should hope that it will pave the way, and make everything easy for your subsequent justice.

I therefore wish to stop at this period, in which Mr. Hastings became active in the service, pretty near the time when he began his political career—and here, my lords, I pause, wishing your indulgence at such time as will suit your convenience for pursuing the rest of this eventful history.

FOURTH DAY, FEBRUARY 16, 1788

MY LORDS—In what I had the honor of laying before your lordships yesterday, and in what I may further trouble you with to-day, I wish to observe a distinction, which if I did not lay down so perfectly as I ought, I hope I shall now be able to mark it out with sufficient exactness and perspicuity.

First, I beg leave to observe that what I shall think necessary to state as matter of preliminary explanation, in

order to give your lordships a true idea of the scene of action—of the instruments which Mr. Hastings employed—and the effects which they produced—all this I wish to be distinguished from matter brought to criminate. Even the matter as stated by me, which may be hereafter brought to criminate, so far as it falls to my share at present, is only to be considered, in this stage of the business, as merely illustrative. Your lordships are to expect, as undoubtedly you will require, substantial matter of crimination to be laid open for that purpose, at the moment when the evidence to each charge is ready to be produced to you. Thus your lordships will easily separate historical illustration from criminal opening. For instance, if I stated yesterday to your lordships, as I did, the tyranny and cruelty of one of the usurping viceroys, whose usurpation and whose vices led the way to the destruction of his country, and the introduction of a foreign power—I do not mean to charge Mr. Hastings with any part of that guilt. What bears upon Mr. Hastings is, his having avowedly looked to such a tyrant and such a usurper as his model, and followed that pernicious example with a servile fidelity.

When I have endeavored to lay open to your lordships anything abusive, or leading to abuse, from defects or errors in the constitution of the Company's service—I did not mean to criminate Mr. Hastings on any part of those defects and errors. I state them to show that he took advantage of the imperfections of the institution to let in his abuse of the power with which he was intrusted. If, for a further instance, I have stated that in general the service of the India Company was insufficient in legal pay or emolument, and abundant in the means of illegal profit,

I do not state that defect as owing to Mr. Hastings. But I state it as a fact, to show in what manner and on what pretences he did, fraudulently, corruptly, and for the purposes of his own ambition, take advantage of that defect; and, under color of reformation, make an illegal, partial, corrupt rise of emoluments to certain favored persons, without regard to the interests of the service at large: increasing rather than lessening the means of illicit emolument, as well as loading the Company with many heavy and ruinous expenses in avowed salaries and allowances.

Having requested your lordships to keep in mind—which I trust you would do even without my taking the liberty of suggesting it to you—these necessary distinctions, I shall revert to the period at which I closed yesterday—that great and memorable period which has remotely given occasion to the trial of this day.

My lords, to obtain empire is common: to govern it well has been rare indeed. To chastise the guilt of those who have been instruments of imperial sway over other nations, by the high superintending justice of the sovereign state, has not many striking examples among any people. Hitherto we have not furnished our contingent to the records of honor. We have been confounded with the herd of conquerors. Our dominion has been a vulgar thing. But we begin to emerge; and I hope that a severe inspection of ourselves, a purification of our own offences, a lustration of the exorbitances of our own power, is a glory reserved to this time, to this nation, and to this august tribunal.

The year 1756 is a memorable era in the history of the world—it introduced a new nation from the remotest verge of the western world, with new manners, new customs,

new institutions, new opinions, new laws, into the heart of Asia.

My lords, if in that part of Asia whose native regular government was then broken up; if, at the moment when it had fallen into darkness and confusion, from having become the prey and almost the sport of the ambition of its home-born grandees; if, in that gloomy season, a star had risen from the west, that would prognosticate a better generation, and would shed down the sweet influences of order, peace, science, and security to the natives of that vexed and harassed country; we should have been covered with genuine honor. It would have been a beautiful and noble spectacle to mankind.

Indeed something might have been expected of the kind, when a new dominion emanated from a learned and enlightened part of the world in the most enlightened period of its existence. Still more might it have been expected, when that dominion was found to issue from the bosom of a free country, that it would have carried with it the full benefit of the vital principle of the British liberty and constitution, though its municipal forms were not communicable, or at least the advantage of the liberty and spirit of the British constitution. Had this been the case (alas! it was not), you would have been saved the trouble of this day. It might have been expected, too, that in that enlightened state of the world, influenced by the best religion, and from an improved description of that best religion—I mean the Christian reformed religion—that we should have done honor to Europe, to letters, to laws, to religion; done honor to all the circumstances of which in this island we boast ourselves at the great and critical moment of that revolution.

My lords, it has happened otherwise. It is now left for us to repair our former errors. Resuming the history where I broke off yesterday by your indulgence to my weakness—Surajah Dowlah was the adopted grandson of Allaverdy Khân, a cruel and ferocious tyrant; the manner of whose acquisition of power I have already stated. He came too young and inexperienced to that throne of usurpation. It was a usurpation yet green in the country, and the country felt uneasy under it. It had not the advantage of that prescriptive usage, that inveterate habit, that traditionary opinion, which a long continuance of any system of government secures to it. The only real security which Surajah Dowlah's government could possess was the security of an army. But the great aim of this prince and his predecessor was to supply the weakness of his government by the strength of his purse; he therefore amassed treasures by all ways and on all hands. But, as the Indian princes in general are as unwisely tenacious of their treasure as they are rapacious in getting it, the more money he amassed, the more he felt the effects of poverty. The consequence was, that their armies were unpaid, and being unpaid, or irregularly paid, were undisciplined, disorderly, unfaithful. In this situation, a young prince, confiding more in the appearances than examining into the reality of things, undertook (from motives which the House of Commons with all their industry to discover the circumstances have found it difficult to make out) to attack a little miserable trading fort that we had erected at Calcutta. He succeeded in that attempt, only because success in that attempt was easy. A close imprisonment of the whole settlement followed; not owing, I believe, to the direct will of the prince, but, what will always happen

when the will of the prince is but too much the law, to a gross abuse of his power by his lowest servants; by which one hundred and twenty or more of our countrymen perished miserably in a dungeon by a fate too tragical for me to be desirous to relate, and too well known to stand in need of it.

At the time that this event happened, there was at the same time a concurrence of other events, which, from this partial and momentary weakness, displayed the strength of Great Britain in Asia. For some years before, the French and English troops began, on the coast of Coromandel, to exhibit the power, force, and efficacy of European discipline. As we daily looked for a war with France, our settlements on that coast were in some degree armed. Lord Pigot, then governor of Madras—Lord Pigot, the preserver, and the victim, of the British dominion in Asia—detached such of the Company's force as could be collected and spared, and such of his Majesty's ships as were on that station, to the assistance of Calcutta. And to hasten this history to its conclusion—the daring and commanding genius of Clive—the patient and firm ability of Watson—the treachery of Meer Jaffier—and the battle of Plassey, gave us at once the patronage of a kingdom and the command of all its treasures. We negotiated with Meer Jaffier for the viceroyal throne of his master. On that throne we seated him. And we obtained, on our part, immense sums of money. We obtained £1,000,000 sterling for the Company; upward of £1,000,000 for individuals: in the whole a sum of about £2,230,000 for various purposes from the prince whom we had set up. We obtained too the town of Calcutta, more completely than we had before possessed it, and the

twenty-four districts adjoining. This was the first small seminal principle of the immense territorial acquisitions we have since made in India.

Many circumstances of this acquisition I pass by. There is a sacred veil to be drawn over the beginnings of all governments. Ours, in India, had an origin like those which time has sanctified by obscurity. Time, in the origin of most governments, has thrown this mysterious veil over them; prudence and discretion make it necessary to throw something of the same drapery over more recent foundations, in which otherwise the fortune, the genius, the talents, and military virtue of this nation never shone more conspicuously. But, whatever necessity might hide, or excuse, or palliate in the acquisition of power, a wise nation, when it has once made a revolution upon its own principles and for its own ends, rests there. The first step to empire is revolution, by which power is conferred; the next is good laws, good orders, good institutions, to give that power stability. I am sorry to say, that the reverse of this policy was the principle on which the gentlemen in India acted. It was such as tended to make the new government as unstable as the old. By the vast sums of money acquired by individuals upon this occasion, by the immense sudden prodigies of fortune, it was discovered that a revolution in Bengal was a mine much more easily worked, and infinitely more productive, than the mines of Potosi and Mexico. It was found, that the work was not only very lucrative, but not at all difficult. Where Clive forded a deep water upon an unknown bottom, he left a bridge for his successors, over which the lame could hobble, and the blind might grope their way. There was not at that time a

knot of clerks in a counting-house; there was not a captain of a band of ragged topasses, that looked for anything less than the deposition of soubahs and the sale of kingdoms. Accordingly, this revolution, which ought to have precluded other revolutions, unfortunately became fruitful of them; and when Lord Clive returned to Europe to enjoy his fame and fortune in his own country, there arose another description of men, who thought that a revolution might be made upon his revolution, and as lucrative to them as his was to the first projectors. Scarcely was Meer Jaffier, Lord Clive's nabob, seated on his musnud, than they immediately, or in a short time, projected another revolution—a revolution which was to unsettle all the former had settled—a revolution to make way for new disturbances and new wars, and which led to that long chain of peculation which ever since has afflicted and oppressed Bengal.

If ever there was a time when Bengal should have had respite from internal revolutions, it was this. The governor forced upon the natives was now upon the throne. All the great lords of the country, both Gentoos and Mohammedans, were uneasy, discontented, and disobedient; and some absolutely in arms, and refusing to recognize the prince we had set up. An imminent invasion of the Mahrattas, an actual invasion headed by the son of the Mogul, the revenues, on account of the late shock, very ill-collected, even where the country was in some apparent quiet, a hungry treasury at Calcutta, an empty treasury at Moorshedabad—everything demanded tranquillity, and with it order and economy. In this situation it was resolved to make a new and entirely mercenary revolution, and to set up to sale the government, secured to its pres-

ent possessor by every tie of public faith, and every sacred obligation which could bind or influence mankind. This second revolution forms that period in the Bengal history which had the most direct influence upon all the subsequent transactions. It introduces some of the persons who were most active in the succeeding scenes, and from that time to this has given its tone and character to the British affairs and government. It marks and specifies the origin and true principle of all the abuses which Mr. Hastings was afterward appointed to correct, and which the Commons charge that he continued and aggravated—namely, the venal depositions and venal exaltations of the country powers; the taking of bribes and corrupt presents from all parties in those changes; the vitiating and maiming the Company's records; the suppression of public correspondence; corrupt combinations and conspiracies; perfidy in negotiation established into principle; acts of the most atrocious wickedness justified upon purity of intention; mock trials and collusive acquittals among the parties in common guilt—and, in the end, the court of directors supporting the scandalous breach of their own orders. I shall state the particulars of this second revolution more at large.

Soon after the revolution which had seated Meer Jaffier on the vice-royal throne, the spirit of the Mogul empire began, as it were, to make one faint struggle before it finally expired. The then heir to that throne, escaping from the hands of those who had held his father prisoner, had put himself at the head of several chiefs, collected under the standard of his house, and appeared in force on the frontiers of the provinces of Bengal and Bahar, upon both which he made some impression. This alarmed the

new powers, the Nabob Meer Jaffier and the presidency of Calcutta; and as in a common cause, and by the terms of their mutual alliance, they took the field against him. The Nabob's eldest son, and heir-apparent, commanded in chief. Major Calliaud commanded the English forces under the government of Calcutta. Mr. Holwell was in the temporary possession of the presidency. Mr. Vansittart was hourly expected to supersede him. Mr. Warren Hastings, a young gentleman about twenty-seven years of age, was resident for the Company at the durbar, or court, of Meer Jaffier, our new-created Nabob of Bengal, allied to this country by the most solemn treaties that can bind men, for which treaties he had paid and was then paying immense sums of money. Mr. Warren Hastings was the pledge in his hands for the honor of the British nation, and their fidelity to their engagements.

In this situation, Mr. Holwell, whom the terrible example of the black hole at Calcutta had not cured of ambition, thought an hour was not to be lost in accomplishing a revolution, and selling the reigning Nabob.

My lords, there was in the house of Meer Jaffier, in his court, and in his family, a man of an intriguing, crafty, subtile, and at the same time bold, daring, desperate, bloody, and ferocious character, called Cossim Ally Khan.

He was the son-in-law of Meer Jaffier; and he made no other use of this affinity than to find some means to dethrone and to murder him. This was the person in whose school of politics Mr. Hastings made his first studies, and whose conduct he quotes as his example, and for whose friends, agents, and favorites he has always shown a marked predilection. This dangerous man was not long

without finding persons who observed his talents with admiration, and who thought fit to employ him.

The council at Calcutta was divided into two departments; one, the council in general, the other, a select committee, which they had arranged for the better carrying on their political affairs. But the select committee had no power of acting wholly without the council at large, at least finally and conclusively. The select committee thought otherwise. Between these litigant parties for power I shall not determine on the merits; thinking of nothing but the use that was made of the power, to whomsoever it belonged. This secret committee, then, without communicating with the rest of the council, formed the plan for a second revolution. But the concurrence of Major Calliaud, who commanded the British troops, was essential to the purpose, as it could not be accomplished without force. Mr. Hastings' assistance was necessary, as it could not be accomplished without treachery.

These are the parties concerned in the intended revolution. Mr. Holwell, who considered himself in possession only of temporary power, was urged to precipitate the business; for if Mr. Vansittart should arrive before his plot could be finally put into execution, he would have all the leading advantages of it, and Mr. Holwell would be considered only as a secondary instrument. But while Mr. Holwell, who originally conceived this plot, urged forward the execution of it, in order that the chief share of the profits might fall to him, the major, and possibly the resident, held back, till they might receive the sanction of the permanent governor, who was hourly expected, with whom one of them was connected, and who was to carry with him the whole weight of the authority of this

kingdom. This difference produced discussions. Holwell endeavored by his correspondence to stimulate Calliaud to this enterprise, which without him could not be undertaken at all. But Major Calliaud had different views. He concurred inwardly, as he tells us himself, in all the principles of this intended revolution, in the propriety and necessity of it. He only wished delay. But he gave such powerful, solid, and satisfactory reasons, not against the delay, but the very merits of the design itself, exposing the injustice and the danger of it, and the impossibility of mending by it their condition in any respect, as must have damned it in the minds of all rational men. At least it ought to have damned it forever in his own. But you will see that Holwell persevered in his plan; and that Major Calliaud thought two things necessary: first, not wholly to destroy the scheme, which he tells us he always approved, but to postpone the execution; and, in the meantime, to delude the Nabob by the most strong, direct, and sanguine assurances of friendship and protection that it was possible to give to man.

While the projected revolution stood suspended; while Mr. Holwell urged it forward, and Mr. Vansittart was expected every day to give it effect; while Major Calliaud, with this design of ruining the Nabob lodged in his breast, suspended in execution, and condemned in principle, kept the fairest face and the most confidential interviews with that unfortunate prince and his son—as the operations of the campaign relaxed, the army drew near to Moorshedabad, the capital—when a truly extraordinary scene happened, such I am sure the English annals before that time had furnished no example of, nor will, I trust, in future. I shall state it as one piece from beginning to end—

reserving the events which intervened; because, as I do not produce any part of this series for the gratification of historical curiosity, the contexture is necessary to demonstrate to your lordships the spirit of our Bengal politics, and the necessity of some other sort of judicial inquiries than those which that government institute for themselves. The transaction so manifestly marks the character of the whole proceeding, that I hope I shall not be blamed for suspending for a moment the narrative of the steps taken toward the revolution, that you may see the whole of this episode together; that by it you may judge of the causes which led progressively to the state in which the Company's affairs stood when Mr. Hastings was sent for the express purpose of reforming it.

The business I am going to enter into is commonly known by the name of the story of the three seals; it is to be found in the appendix, No. 10, to the first report of the state and condition of the East India Company, made in 1773. The word report, my lords, is sometimes a little equivocal; and may signify sometimes, not what is made known, but what remains in obscurity; the detail and evidence of many facts referred to in the report being usually thrown into the appendix. Many people, and I among the rest (I take shame to myself for it), may not have fully examined that appendix. I was not a member of either of the India committees of 1773. It is not, indeed, till within this year that I have been thoroughly acquainted with that memorable history of the three seals.

The history is this: in the year 1760 the allies were in the course of operations against the son of the Mogul, now the present Mogul, who, as I have already stated, had made an irruption into the kingdom of Bahar, in order to

reduce the lower provinces to his obedience. The parties opposing him were the Nabob of Bengal and the Company's troops under Major Calliaud. It was while they faced the common enemy as one body this negotiation for the destruction of the Nabob of Bengal by his faithful allies of the Company was going on with diligence. At that time the Nabob's son, Meeran, a youth in the flower of his age, bold, vigorous, active—full of the politics in which those who are versed in usurpation are never wanting—commanded the army under his father; but was, in reality, the efficient person in all things. About the fifteenth of April, 1760, as I have it from Major Calliaud's letter of that date, the Nabob came into his tent; and, with looks of the utmost embarrassment, big with some design, which swelled his bosom, something that was too large and burdensome to conceal, and yet too critical to be told, appeared to be in a state of great distraction. The major, seeing him in this condition, kindly, gently, like a fast and sure friend, employed (to use his own expression) *some of those assurances that tend to make men fully open their hearts;* and accordingly, fortified by his assurances, and willing to disburden himself of the secret that oppressed him, he opens his heart to the commanding officer of his new friends, allies, and protectors. The Nabob, thus assured, did open himself, and informed Major Calliaud that he had just received a message from the prince, or his principal minister, informing him that the prince royal, now the Mogul, had an intention (as indeed he rationally might, supposing that we were as well disposed to him as we showed ourselves afterward) to surrender himself into the hands of him, the Nabob; but at the same time wished, as a guarantee, that the commander-

in-chief of the English forces should give him security for his life and his honor, when he should in that manner surrender himself to the Nabob. I do not mean, my lords, by surrendering, that it was supposed he intended to surrender himself prisoner of war; but as a sovereign, dubious of the fidelity of those about him, would put himself into the hands of his faithful subjects, of those who claimed to derive all their power, as both we and the Nabob did, under his authority. The Nabob stated to the English general, that, without this English security, the prince would not deliver himself into his hands. Here he confessed he found a difficulty. For the giving this faith, if it were kept, would defeat his ultimate view, which was, when the prince had delivered himself into his hands, in plain terms, to murder him. This grand act could not be accomplished without the English general. In the first place, the prince, without the English security, would not deliver himself into the Nabob's hands; and afterward, without the English concurrence, he could not be murdered. These were difficulties that pressed upon the mind of the Nabob.

The English commander heard this astonishing proposition without any apparent emotion. Being a man habituated to great affairs, versed in revolutions, and with a mind fortified against extraordinary events, he heard it and answered it without showing any signs of abhorrence or detestation; at the same time with a protestation that he would indeed serve him, the Nabob, but it should be upon such terms as honor and justice could support; informing him that an assurance for the prince's safety could not be given by him until he had consulted Mr. Holwell, who was governor, and his superior. This conversation

passed in the morning. On that very morning, and while the transaction was hot, Major Calliaud writes to Mr. Holwell an account of it. In his letter he informs him that he made an inquiry, without stating from whom, but that he did inquire the probability of the Nabob's getting possession of the prince from some persons, who assured him that there was no probability of the prince's intention to deliver himself to the Nabob on any terms. Be that as it may, it is impossible not to remark that the whole transaction of the morning of the 15th of April was not very discouraging to the Nabob; not such as would induce him to consider this most detestable of all projects as a thing utterly unfeasible, and as such to abandon it. The evening came on without anything to alter his opinion. Major Calliaud that evening came to the Nabob's tent to arrange some matters relative to the approaching campaign. The business soon ended with regard to the campaign; but the proposal of the morning to Major Calliaud, as might be expected to happen, was in effect renewed. Indeed the form was a little different, but the substantial part remained the same. Your lordships will see what these alterations were.

In the evening scene the persons were more numerous. On the part of the Company, Major Calliaud, Mr. Lushington, Mr. Knox, and the ambassador at the Nabob's court, Mr. Warren Hastings. On the part of the Moorish government, the Nabob himself, his son Meeran, a Persian secretary, and the Nabob's head spy, an officer well known in that part of the world, and of some rank. These were the persons of the drama in the evening scene. The Nabob and his son did not wait for the prince's committing himself to their faith, which, it seems, Major Calliaud

did not think likely to happen: so that one act of treachery is saved; but another opened of as extraordinary a nature. Intent and eager on the execution, and the more certain of their design, they accepted the plan of a wicked wretch, principal servant of the then prime minister to the Mogul, or themselves suggested it to him. A person called Conery, dewan or principal steward to Camgar Khân, a great chief in the service of the shâh zadda, or prince (now the Great Mogul, the sovereign under whom the Company hold their charter), had, it seems, made a proposal to the Nabob, that if a considerable territory, then held by his master, was assured to him, and a reward of a lac of rupees, £10,000 or £12,000, secured to him, he would for that consideration deliver the prince, the eldest son of the Mogul, alive into the hands of the Nabob; or, if that could not be effected, he engaged to murder him for the same reward. But as the assassin could not rely on the Nabob and his son for his reward for this meritorious action, and thought better of English honor and fidelity in such delicate cases, he required that Major Calliaud should set his seal to the agreement. This proposition was made to an English commander; what discourse happened upon it is uncertain. Mr. Hastings is stated by some evidence to have acted as interpreter in this memorable congress. But Major Calliaud agreed to it without any difficulty. Accordingly an instrument was drawn, an indenture tripartite prepared by the Persian secretary, securing to the party the reward of this infamous, perfidious, murderous act. First, the Nabob put his own seal to the murder. The Nabob's son Meeran affixed *his* seal. A third seal, the most important of all, was yet wanting. A pause ensued: Major Calliaud's seal

was not at hand; but Mr. Lushington was sent near half a mile to bring it. It was brought, at length; and the instrument of blood and treachery was completely executed. Three seals were set to it.

This business of the three seals, by some means not quite fully explained, but (as suspected by the parties) by means of the information of Mr Holwell, who soon after came home, was conveyed to the ears of the court of directors. The court of directors wrote out, under date of the 7th of October, 1761, within a little more than a year after this extraordinary transaction, to this effect—that, in conjunction with the Nabob, Major Calliaud had signed a paper, offering a reward of a lac of rupees, or some such sum, to several black persons for the assassination of the shâh zadda, or prince heir-apparent; which paper was offered to the then chief of Patna to sign, but which he refused, on account of the infamy of the measure. As it appeared in the same light to them, the directors, they ordered a strict inquiry into it. The India Company, who here did their duty with apparent manliness and vigor, were resolved, however, to do it with gentleness, and to proceed in a manner that could not produce any serious mischief to the parties charged; for they directed the commission of inquiry to the very clan and set of people who, from a participation in their common offences, stood in awe of one another; in effect, to the parties in the transaction. Without a prosecutor, without an impartial director of the inquiry, they left it substantially to those persons to try one another for their common acts. Here I come upon the principle which I wish most strongly to mark to your lordships; I mean collusive trials, and collusive acquittals. When this

matter came to be examined, according to the orders of the court, which was on the 4th of October, 1762, the council consisted of Peter Maguire, Warren Hastings, and Hugh Watts. Mr. Hastings had by this time accomplished the business of resident with the Nabob, and had taken the seat, to which his seniority entitled him, in council. Here a difficulty arose *in limine*. Mr. Hastings was represented to have acted as interpreter in this business; he was, therefore, himself an object of the inquisition; he was doubtful as evidence; he was disqualified as a judge. It likewise appeared that there might be some objection to others, whose evidence was wanting, but who were themselves concerned in the guilt. Mr. Lushington's evidence would be useful, but there were two circumstances rather unlucky. First, he had put the seal to the instrument of murder; and, secondly, and what was most material, he had made an affidavit at Patna, while the affair was green and recent, that he had done so, and in the same affidavit had deposed that Warren Hastings was interpreter in that transaction. Here were difficulties both on him and Mr. Hastings. The question was, how to get Mr. Hastings, the interpreter, out of his interpretation, and to put him upon the seat of judgment. It was effected, however, and the manner in which it was effected was something curious. Mr. Lushington, who by this time was got completely over, himself tells you, that in conferences with Major Calliaud, and by arguments and reasons by him delivered, he was persuaded to unsay his swearing, and to declare that he believed that the affidavit which he made at Patna, and while the transaction was recent, or nearly recent, must be a mistake; that he *believed* (what is

amazing, indeed, for any belief) that not Mr. Hastings, but he, himself, interpreted. Mr. Lushington completely loses his own memory, and he accepts an offered, a given memory, a memory supplied to him by a party in the transaction. By this operation all difficulties are removed; Mr. Hastings is at once put into the capacity of a judge. He is declared by Mr. Lushington not to have been an interpreter in the transaction. After this, Mr. Hastings is himself examined. Your lordships will look at the transaction at your leisure, and I think you will consider it as a pattern for inquiries of this kind. Mr. Hastings is examined: he does not recollect. His memory also fails on a business in which it is not easy to suppose a man could be doubtful whether he was present or not: he thinks he was not there; for that, if he had been there, and acted as interpreter, he could not have forgotten it.

I think it is pretty nearly as I state it; if I have fallen into any error or inaccuracy, it is easily rectified; for here is the state of the transaction given by the parties themselves. On this inaccurate memory of Mr. Hastings, not venturing, however, to say positively that he was not the interpreter, or that he was not present, he is discharged from being an accomplice; he is removed from the bar, and leaps upon the seat of justice. The court thus completed, Major Calliaud comes manfully forward to make his defence. Mr. Lushington is taken off his back in the manner we have seen, and no one person remains but Captain Knox. Now, if Captain Knox was there and assenting, he is an accomplice, too. Captain Knox asserts, that, at the consultation about the murder, he said it was a pity to cut off so fine a young fellow in such a manner, meaning

that fine young fellow the prince, the descendant of Tamerlane, the present reigning Mogul, from whom the Company derive their present charter. The purpose to be served by this declaration, if it had any purpose, was, that Captain Knox did not assent to the murder, and that therefore his evidence might be valid.

The defence set up by Major Calliaud was to this effect. He was apprehensive, he said, that the Nabob was alarmed at the violent designs that were formed against him by Mr. Holwell; and that therefore to quiet his mind (to quiet it by a proposition compounded of murder and treason; an odd kind of mind he had, that was to be quieted by such means!) but to quiet his mind, and to show that the English were willing to go all lengths with him, to sell body and soul to him, he did put his seal to this extraordinary agreement, he put his seal to this wonderful paper. He likewise stated that he was of opinion at the time that nothing at all sinister could happen from it, that no such murder was likely to take place, whatever might be the intention of the parties. In fact he had very luckily said, in a letter of his written a day after the setting the seal, "I think nothing will come of this matter, but it is no harm to try." This experimental treachery, and these essays of conditional murder, appeared to him good enough to make a trial of; but at the same time he was afraid nothing would come of it. In general, the whole gist of his defence comes to one point, in which he persists—that, whatever the act might be, his mind is clear—"my hands are guilty, but my heart is free." He conceived that it would be very improper, undoubtedly, to do such an act, if he suspected anything could happen from it; he,

however, let the thing out of his own hands; he put it into the hands of others; he put the commission into the hands of a murderer. The fact was not denied—it was fully before these severe judges. The extenuation was the purity of his heart, and the bad situation of the Company's affairs (the perpetual plea, which your lordships will hear of forever, and which if it will justify evil actions, they will take good care that the most nefarious of their deeds shall never want a sufficient justification). But then he calls upon his life and his character to oppose to his seal; and though he has declared that Mr. Holwell had intended ill to the Nabob, and that he approved of those measures, and only postponed them, yet he thought it necessary, he says, to quiet the fears of the Nabob; and from this motive he did an act abhorrent to his nature, and which, he says, he expressed his abhorrence of the morning after he signed it: not that he did so; but if he had, I believe it would only have made the thing so many degrees worse. Your lordships will observe, that in this conference, as stated by himself, these reasons and apologies for it did not appear, nor did they appear in the letter, nor anywhere else, till next year when he came upon his trial. Then it was immediately recollected, that Mr. Holwell's designs were so wicked, they certainly must be known to the Nabob, though he never mentioned them in the conference of the morning or the evening of the 15th; yet such was now the weight and prevalence of them upon the Major's mind, that he calls upon Mr. Hastings to know whether the Nabob was not informed of these designs of Mr. Holwell against him. Mr. Hastings' memory was not quite correct upon the occasion. He does not recollect any-

thing of the matter. He certainly seems not to think that he ever mentioned it to the Nabob, or the Nabob to him; but he does recollect, he thinks, speaking something to some of the Nabob's attendants upon it, and further this deponent sayeth not. On this state of things, namely, the purity of intention, the necessities of the Company, the propriety of keeping the Nabob in perfect good humor, and removing suspicions from his mind, which suspicions he had never expressed, they came to the resolution I shall have the honor to read to you: "That the representation, given in the said defence, of the state of the affairs of the country at that time (that is, about the month of April, 1760) is true and just [that is, the bad state of the country, which we shall consider hereafter]; that, in such circumstances, the Nabob's urgent account of his own distresses, the colonel's desire of making him easy [for here is a recapitulation of the whole defence], as the first thing necessary for the good of the service, and the suddenness of the thing proposed, might deprive him for a moment of his recollection, and surprise him into a measure which, as to the measure itself, he could not approve. That such only were the motives which did or could influence Colonel Calliaud to assent to the proposal, is fully evinced by the deposition of Captain Knox and Mr. Lushington, that his (*Calliaud's*) *conscience, at the time, never reproached him with a bad design.*"

Your lordships have heard of the testimony of a person to his own conscience; but the testimony of another man to any one's conscience—this is the first time, I believe, it ever appeared in a judicial proceeding. It is natural to say, "my conscience acquits me of it"; but

they declare that "*his* conscience never reproached him with a bad design, and therefore, upon the whole, they are satisfied that his intention was good, though he erred in the measure."

I beg leave to state one thing that escaped me, that the Nabob, who was one of the parties to the design, was at the time of the inquiry a sort of prisoner or an exile at Calcutta; that his moonshee was there, or might have been had; and that his spy was likewise there: and that they, though parties to this transaction, were never called to account for it in any sense or in any degree, or to show how far it was *necessary* to quiet the Nabob's mind.

The accomplices, by acquitting him upon *their* testimony to his *conscience*, did their business nobly. But the good court of directors, who were so easily satisfied, so ready to condemn at the first proposition, and so ready afterward to acquit, put the last finishing hand of a master to it. For the accomplices acquit him of evil intentions, and excuse his act. The court of directors, disapproving indeed the measure, but receiving the testimony of his conscience in justification of his conduct, and taking up the whole ground, honorably acquit him, and commend this action as an instance of heroic zeal in their service.

The great end and purpose for which I produce this to your lordships is to show you the necessity there is for other inquiries, other trials, other acquittals of parties, than those made by a collusive clan abroad, or by the directors at home, who had required the parties to inquire of themselves, and to take the testimony of the judges at second-hand, as to the conscience of the party

accused, respecting acts which neither they nor any man living can look upon but with horror.

I have troubled your lordships with the story of the three seals, as a specimen of the then state of the service, and the politics of the servants, civil and military, in the horrid abuses which then prevailed, and which render at length the most rigorous reformation necessary.

I close this episode to resume the proceedings at the second revolution. This affair of the three seals was, we have seen, to quiet the fears of the Nabob. His fears it was, indeed, necessary to quiet; for your lordships will see that the man whose fears were to be set asleep by Major Calliaud's offering him, in a scheme for murdering his sovereign, an odd sort of opiate, made up of blood and treason, was now in a fair way of being murdered himself by the machinations of him whose seal was set to his murderous security of peace, and by those his accomplices, Holwell and Hastings; at least they resolved to put him in a situation in which his murder was in a manner inevitable, as you will see in the sequel of the transaction. Now the plan proceeds. The parties continued in the camp; but there was another *remora*. To remove a Nabob, and to create a revolution, it is not easy; houses are strong, who have sons grown up with vigor and fitness for the command of armies. They are not easily overturned by removing the principal, unless the secondary is got rid of: and if this *remora* could be removed, everything was going on in a happy way in the business. This plan, which now (that is, about the month of July) began to get into great ripeness and forwardness, Mr. Holwell urged forward, Mr. Vansittart being hourly expected.

I do not know whether I am going to state a thing, though it is upon the records, which will not have too theatrical an appearance for the grave state in which we are. But here it is—the difficulty, the knot, and the solution, as recorded by the parties themselves. It was the object of this bold, desperate, designing man, Cossim Ally Khan, who aimed at everything, and who scrupled not to do anything in attaining what he aimed at, to be appointed the lieutenant of the Nabob Jaffier Ally, and thus to get possession of his office during his lifetime under that name, with a design of murdering him; for that office, according to many usages of that country, totally supersedes the authority of the first magistrate, renders him a cipher in his hand, gives the administration of his affairs and command of his troops to the lieutenant. It was a part of his plan that he was, after his appointment to the lieutenancy, to be named to the succession of the Nabob, who had several other children; but the eldest son stood in the way.

But as things hastened to a crisis, this difficulty was removed in the most extraordinary and providential unheard-of manner, by the most extraordinary event that, I believe, is recorded in history. Just in the nick of time, in the moment of projection, on the 3d of July, this prince Meeran, in the flower of his age, bold, active, enterprising, lying asleep in his tent, is suddenly, without any one's knowing it, without any alarm or menace in the heavens, that ever was heard of or mentioned, without any one whatever being hurt or even alarmed in the camp, killed with a flash of lightning. My lords, thus was the Gordian knot cut. This prince dies of a flash of lightning, and Mr. Lushington (of whom you have heard)

comes in the morning with his hair standing erect, comes frightened into the presence of Major Calliaud, and, with the utmost alarm, tells him of a circumstance that was afterward to give them so much pleasure. The alarm was immediately communicated to the major, who was seized with a fright; and fearing lest the army should mutiny upon the death of their chief, it was contrived, in a manner that I believe was most difficult to contrive, that what might have excited a general mutiny was concealed by the ability, the good conduct, and dexterity of Major Calliaud for seven days together, till he led the army out of the place of danger. Thus a judgment fell upon one of the (innocent) murderers in the scene of the three seals. This man, who was probably guilty in his conscience as well as in act, thus fell by that most lucky, providential, and most useful flash of lightning.

There were at that time, it seems, in Calcutta a wicked sceptical set of people, who somehow or other believed that *human* agency was concerned in this electric flash, which came so very opportunely, and which was a favor so thankfully acknowledged. These wicked ill-natured sceptics disseminated reports (which I am sure I do not mean to charge or prove, leaving the effect of them to you) very dishonorable, I believe, to Cossim Ally Khan in the business, and to some Englishmen who were concerned.

The difficulty of getting rid of Meeran being thus removed, Mr. Vansittart comes upon the scene. I verily believe he was a man of good intentions, and rather debauched by that amazing flood of iniquity which prevailed at that time, or hurried and carried away with it. In a few days he sent for Major Calliaud. All his objections

vanish in an *instant;* like that flash of lightning, everything is *instant.* The Major agrees to perform his part. They send for Cossim Ally Khan and Mr. Hastings, they open a treaty and conclude it with him, leaving the management of it to two persons, Mr. Holwell and another person, whom we have heard of, an Armenian, called Coja Petruse, who afterward played his part in another illustrious scene. By this Petruse and Mr. Holwell the matter is settled. The moment Mr. Holwell is raised to be a secretary of state, the revolution is accomplished. By it Cossim Ally Khan is to have the lieutenancy at present, and the succession. Everything is put into his hands, and he is to make for it large concessions, which you will hear of afterward, to the Company. Cossim Ally Khan proposed to Mr. Holwell, what would have been no bad supplement to the flash of lightning, the murder of the Nabob; but Mr. Holwell was a man of too much honor and conscience to suffer that. He instantly flew out at it, and declared the whole business should stop, unless the affair of the murder was given up. Accordingly, things were so settled. But, if he gave the Nabob over to an intending murderer, and delivered his person, treasure, and everything into his hands, Cossim Ally Khan might have had no great reason to complain of being left to the execution of his own projects in his own way. The treaty was made, and amounted to this, that the Company was to receive three great provinces; for here, as we proceed, you will have an opportunity of observing, with the progress of these plots, one thing which has constantly and uniformly pervaded the whole of these projects, and which the persons concerned in them have avowed as a principle of their actions—that they were first to take care of the

Company's interest, then of their own; that is, first to secure to the Company an enormous bribe, and under the shadow of that bribe to take all the little emoluments they could to themselves. Three great rich southern provinces, maritime, or nearly maritime, Burdwan, Midnapore, and Chittagong, were to be dissevered from the soubah and to be ceded to the Company. There were other minor stipulations, which it is not necessary at present to trouble you with, signed, sealed, and executed at Calcutta, between these parties with the greatest possible secrecy. The lieutenancy and the succession were secured to Cossim Ally, and he was likewise to give somewhere about the sum of £200,000 to the gentlemen who were concerned, as a reward for serving him so effectually, and for serving their country so well. Accordingly these stipulations, actual or understood (for they were eventually carried into effect), being settled, a commission of delegation, consisting chiefly of Mr. Vansittart and Major Calliaud, was sent up to Moorshedabad; the new governor taking this opportunity of paying the usual visit of respect to the Nabob, and in a manner which a new governor coming into place would do, with the detail of which it is not necessary to trouble you. Mr. Hastings was at this time at the durbar; and having everything prepared, and the ground smoothed, they first endeavored to persuade the Nabob to deliver over the power negotiated for into the hands of their friend Cossim Ally Khan. But when the old man, frightened out of his wits, asked, "What is it he has bid for me?" and added, "I will give half as much again to save myself; pray let me know what my price is"; he entreated in vain. They were true, firm, and faithful to their word and their engagement. When he saw they were resolved

that he should be delivered into the hands of Cossim Ally Khan, he at once surrenders the whole to him. They instantly grasp it. He throws himself into a boat, and will not remain at home an hour, but hurries down to Calcutta to leave his blood at our door, if we should have a mind to take it. But the life of the Nabob was too great a stake, partly as a security for the good behavior of Cossim Ally Khan, and still more for the future use that might be made of him, to be thrown away, or left in the hands of a man who would certainly murder him, and who was very angry at being refused the murder of his father-in-law. The price of this second revolution was, according to their shares in it (I believe I have it here), somewhere about £200,000. This little effusion to private interest settled the matter, and here ended the second revolution in the country; effected indeed without bloodshed, but with infinite treachery, with infinite mischief, consequent to the dismemberment of the country, and which had nearly become fatal to our concerns there, like everything else in which Mr. Hastings had any share.

This prince, Cossim Ally Khan, the friend of Mr. Hastings, knew that those who could give could take away dominion. He had scarcely got upon the throne, procured for him by our public spirit and his own iniquities, than he began directly and instantly to fortify himself, and to bend all his politics against those who were or could be the donors of such fatal gifts. He began with the natives who were in their interest, and cruelly put to death, under the eye of Mr. Hastings and his clan, all those who, by their moneyed wealth or landed considerations, could give any effect to their dispositions in favor of those ambitious strangers. He removed from Moorshed-

abad higher up into the country, to Monghir, in order to be more out of our view. He kept his word pretty well, but not altogether faithfully, with the gentlemen; and though he had no money, for his treasury was empty, he gave obligations, which are known by the name of *Jeeps*. (The Indian vocabulary will by degrees become familiar to your lordships, as we develop the modes and customs of the country.) As soon as he had done this he began to rack and tear the provinces that were left to him, to get as much from them as should compensate him for the revenues of those great provinces he had lost; and accordingly he began a scene of extortion, horrible, nefarious, without precedent or example, upon almost all the landed interest of that country. I mention this, because he is one of those persons whose governments Mr. Hastings, in a paper called his defence, delivered in to the House of Commons, has produced as precedents and examples, which he has thought fit to follow, and which he thought would justify him in the conduct he has pursued. This Cossim Ally Khan, after he had acted the tyrant on the landed interest, fell upon the moneyed interest. In that country there was a person called Juggut Seit. There were several of the family, who were bankers to such a magnitude as was never heard of in the world. Receivers of the public revenue, their correspondence extended all over Asia; and there are those who are of opinion that the house of Juggut Seit, including all its branches, was not worth less than six or seven millions sterling. This house became the prey of Cossim Ally Khan; but Mr. Holwell had predicted that it *should be delivered over to Satan to be buffeted* (his own pious expression). He predicted the misfortunes that should befall them; and we

chose a Satan to buffet them, and who did so buffet them by the murder of the principal persons of the house, and by robbing them of great sums of their wealth, that I believe such a scene of nefarious tyranny, destroying and cutting up the root of public credit in that country, was scarce ever known. In the meantime Cossim was extending his tyranny over all who were obnoxious to him; and the persons he first sought were those traitors who had been friends to the English. Several of the principal of these he murdered. There was in the province of Bahar a man named Ramarain; he had got the most positive assurances of English faith; but Mr. Macguire, a member of the council, on the receipt of 5,000 gold mohors, or something more than £8,000 sterling, delivered him up to be first imprisoned, then tortured, then robbed in consequence of the torture, and finally murdered by Cossim Ally Khan. In this way Cossim Ally Khan acted, while our government looked on. I hardly choose to mention to you the fate of a certain native in consequence of a dispute with Mr. Mott, a friend of Mr. Hastings, which is in the Company's records—records which are almost buried by their own magnitude from the knowledge of this country. In a contest with this native for his house and property, some scuffle having happened between the parties, the one attempting to seize, and the other to defend, the latter made a complaint to the Nabob, who was in an entire subjection at that time to the English; and who ordered this unfortunate man, on account of this very scuffle arising from defending his property, to be blown off from the mouth of a cannon. In short, I am not able to tell your lordships of all the nefarious transactions of this man, whom the intrigues of Mr. Holwell and Mr.

Hastings had set upon the throne of Bengal. But there is a circumstance in this business that comes across here, and will tend to show another grievance that vexed that country, which vexed it long, and is one of the causes of its chief disasters, and which, I fear, is not so perfectly extirpated but that some part of its roots may remain in the ground at this moment.

Commerce, which enriches every other country in the world, was bringing Bengal to total ruin. The Company, in former times, when it had no sovereignty or power in the country, had large privileges under their dustuck or permit; their goods passed without paying duties through the country. The servants of the Company made use of this dustuck for their own private trade, which, while it was used with moderation, the native government winked at in some degree; but when it got wholly into private hands, it was more like robbery than trade. These traders appeared everywhere; they sold at their own prices, and forced the people to sell to them at their own prices also. It appeared more like an army going to pillage the people, under pretence of commerce, than anything else. In vain the people claimed the protection of their own country courts.

This English army of traders, in their march, ravaged worse than a Tartarian conqueror. The trade they carried on, and which more resembled robbery than commerce, anticipated the resources of the tyrant, and threatened to leave him no materials for imposition or confiscation. Thus this miserable country was torn to pieces by the horrible rapaciousness of a double tyranny. This appeared to be so strong a case, that a deputation was sent to him at his new capital, Monghir, to form a treaty for

the purpose of giving some relief against this cruel, cursed, and oppressive trade, which was worse even than the tyranny of the sovereign. This trade, Mr. Vansittart, the president about this time, that is, in 1763, who succeeded to Mr. Holwell, and was in close union of interests with the tyrant, Cossim Ally Khan, by a treaty known by the name of the treaty of Monghir, agreed very much to suppress and to confine within something like reasonable bounds. There never was a doubt on the face of that treaty, that it was a just, proper, fair transaction. But as nobody in Bengal did then believe that rapine was ever forborne, but in favor of bribery, the persons who lost every advantage by the treaty of Monghir, when they thought they saw corrupt negotiation carrying away the prizes of unlawful commerce, and were likely to see their trade crippled by Cossim Ally Khan, fell into a most violent fury at this treaty; and as the treaty was made without the concurrence of the rest of the council, the Company's servants grew divided, one part were the advocates of the treaty, the other of the trade. The latter were universally of opinion that the treaty was bought for a great sum of money. The evidence we have on our records of the sums of money that are stated to have been paid on this occasion has never been investigated to the bottom. But we have it on record that a great sum (£70,000) was paid to persons concerned in that negotiation. The rest were exceedingly wroth to see themselves not profiting by the negotiation, and losing the trade, or likely to be excluded from it; and they were the more so because, as we have it upon our journals, during all that time the trade of the negotiators was not proscribed, but a perwannah was issued by Cossim Ally Khan, that the trade of his friends,

Mr. Vansittart and Mr. Hastings, should not be subject to the general regulations. This filled the whole settlement with ill blood; but in the regulation itself (I put the motive and the secret history out of the case) undoubtedly Mr. Hastings and Mr. Vansittart were on the right side. They had shown to a demonstration the mischief of this trade. However, as the other party were strong, and did not readily let go their hold of this great advantage, first, dissensions, murmurs, various kinds of complaints, and ill blood arose. Cossim Ally was driven to the wall; and, having at the same time made what he thought good preparations, a war broke out at last. And how did it break out? This Cossim Ally Khan signalized his first acts of hostility by an atrocity committed against the faith of treaties, against the rules of war, against every principle of honor. This intended murderer of his father-in-law, whom Mr. Hastings had assisted to raise to the throne of Bengal, well knowing his character and his disposition, and well knowing what such a man was capable of doing, this man massacred the English wherever he met them. There were two hundred or thereabout of the Company's servants, or their dependants, slaughtered at Patna, with every circumstance of the most abominable cruelty. Their limbs were cut to pieces. The tyrant whom Mr. Hastings set up, cut and hacked the limbs of British subjects in the most cruel and perfidious manner; threw them into wells, and polluted the waters of the country with British blood. Immediately war is declared against him in form. That war sets the whole country in a blaze; and then other parties begin to appear upon the scene, whose transactions you will find yourselves deeply concerned in hereafter.

As soon as war was declared against Cossim, it was necessary to resolve to put up another nabob, and to have another revolution; and where do they resort but to the man whom, for his alleged tyranny, for his incapacity, for the numberless iniquities he was said to have committed, and for his total unfitness and disinclination to all the duties of government, they had dethroned. This very man they take up again to place on the throne, from which they had about two years before removed him, and for the effecting of which they had committed so many iniquities. Even this revolution was not made without being paid for. According to the usual order of procession, in which the youngest walk first—First comes the Company; and the Company had secured to it in perpetuity those provinces which Cossim Ally Khân had ceded, as it was thought, rather in the way of mortgage than anything else. Then, under the name of compensation for sufferings to the people concerned in the trade, and in the name of donation to an army and a navy, which had little to do in this affair, they tax him, what sum do you think? They tax that empty and undone treasury of that miserable and undone country £500,000 for a private emolument to themselves; for the compensation for this iniquitous trade; for the compensation for abuses, of which he was neither the author nor the abettor; they tax this miserable prince £500,000. That sum was given to individuals. Now comes the Company at home, which, on hearing this news, was all inflamed. The directors were on fire. They were shocked at it, and particularly at this donation to the army and navy. They resolved they would give it no countenance and support. In the meantime the gentlemen did not trouble their

heads upon that subject, but meant to exact and get their £500,000 as they could.

Here was a third revolution bought at this amazing sum, and this poor miserable prince first dragged from Moorshedabad to Calcutta, then dragged back from Calcutta to Moorshedabad, the sport of fortune, and the plaything of avarice. This poor man is again set up, but is left with no authority; his troops, limited, his person—everything about him in a manner subjugated, a British resident the master of his court; he is set up as a pageant on this throne, with no other authority but what would be sufficient to give a countenance to presents, gifts, and donations. That authority was always left, when all the rest was taken away. One would have thought that this revolution might have satisfied these gentlemen, and that the money gained by it would have been sufficient. No. The partisans of Cossim Ally wanted another revolution. The partisans of the other side wished to have something more done in the present. They now began to think, that to depose Cossim instantly, and to sell him to another, was too much at one time, especially as Cossim Ally was a man of vigor and resolution, carrying on a fierce war against them. But what do you think they did? They began to see, from the example of Cossim Ally, that the lieutenancy, the ministry of the king, was a good thing to be sold, and the sale of that might turn out as good a thing as the sale of the prince. For this office there were two rival candidates, persons of great consideration in Bengal; one, a principal Mohammedan called Mahomed Reza Khan, a man of high authority—great piety in his own religion—great learning in the law—of the very first class of Mohammedan nobility: but at the

same time, on all these accounts, he was abhorred and dreaded by the Nabob, who necessarily feared that a man of Mahomed Reza Khan's description would be considered as better entitled and fitter for his seat, as Nabob of the provinces.

To balance him there was another man, known by the name of the Great—Rajah Nundcomar: this man was accounted the highest of his caste, and held the same rank among the Gentoos that Mahomed Reza Khan obtained among the Mohammedans. The prince on the throne had no jealousy of Nundcomar, because he knew that, as a Gentoo, he could not aspire to the office of soubahdar. For that reason he was firmly attached to him; he might depend completely on his services; he was *his* against Mahomed Reza Khân, and against the whole world. There was, however, a flaw in the Nabob's title, which it was necessary should be hid. And perhaps it lay against Mahomed Reza Khân as well as him. But it was a source of apprehension to the Nabob, and contributed to make him wish to keep all Mohammedan influence at a distance. For he was a syed, that is to say, a descendant of Mahomet, and as such, though of the only acknowledged nobility among Mussulmen, would be by that circumstance excluded by the known laws of the Mogul empire from being soubahdar in any of the Mogul provinces, in case the revival of the constitution of that empire should ever again take place.

An auction was now opened before the English council at Calcutta. Mahomed Reza Khân bid largely; Nundcomar bid largely. The circumstances of these two rivals at the Nabob court were equally favorable to the pretensions of each. But the preponderating merits of Ma-

homed Reza Khân, arising from the subjection in which he was likely to keep the Nabob, and make him fitter for the purpose of continued exactions, induced the council to take his money, which amounted to about £220,000. Be the sum paid what it may, it was certainly a large one. In consequence of which the council attempted to invest Mahomed Reza Khân with the office of naib soubah, or deputy viceroy. As to Nundcomar, they fell upon him with a vengeful fury: he fought his battle as well as he could; he opposed bribe to bribe, eagle to eagle; but at length he was driven to the wall. Some received his money, but did him no service in return: others, more conscientious, refused to receive it: and in this battle of bribes he was vanquished. A deputation was sent from Calcutta to the miserable Nabob, to tear Nundcomar, his only support, from his side; and to put the object of all his terrors, Mahomed Reza Khân, in his place.

Thus began a new division that split the presidency into violent factions; but the faction which adhered to Nundcomar was undoubtedly the weakest. That most miserable of men, Meer Jaffier Ally Khân, clinging, as to the last pillar, to Nundcomar, trembling at Mahomed Reza Khân, died in the struggle, a miserable victim to all the revolutions, to all the successive changes and versatile politics at Calcutta. Like all the rest of the great personages whom we have degraded and brutalized by insult and oppression, he betook himself to the usual destructive resources of unprincipled misery—sensuality, opium, and wine. His gigantic frame of constitution soon gave way under the oppression of this relief, and he died, leaving children and grandchildren by wives and concubines. On the old Nabob's death Mahomed Reza

Khân was acknowledged deputy nabob, the money paid, and this revolution completed.

Here, my lords, opened a new source of plunder, peculation, and bribery, which was not neglected. Revolutions were no longer necessary, succession supplied their places; and well the object agreed with the policy. Rules of succession could not be very well ascertained to an office like that of the Nabob, which was hereditary only by the appointment of the Mogul. The issue by lawful wives would naturally be preferred by those who meant the quiet of the country. But a more doubtful title was preferred, as better adapted to the purposes of extortion and peculation. This miserable succession was sold, and the eldest of the issue of Munny Begum, a harlot, brought in to pollute the harem of the seraglio, of whom you will hear much hereafter, was chosen. He soon succeeded to the grave. Another son of the same prostitute succeeded to the same unhappy throne, and followed to the same untimely grave. Every succession was sold; and between venal successions and venal revolutions, in a very few years seven princes and six sales were seen successively in Bengal. The last was a minor, the issue of a legitimate wife, admitted to succeed because a minor, and because there was none illegitimate left. He was instantly stripped of the allowance of his progenitors, and reduced to a pension of 160,000 a year. He still exists, and continued to the end of Mr. Hastings' government to furnish constant sources of bribery and plunder to him and his creatures.

The offspring of Munny Begum clinging, as his father did, to Nundcomar, they tore Nundcomar from his side, as they had done from the side of his father, and carried him down as a sort of prisoner to Calcutta; where, hav-

ing had the weakness to become the first informer, he was made the first example. This person, pushed to the wall, and knowing that the man he had to deal with was desperate and cruel in his resentment, resolves on the first blow, and enters before the council a regular information in writing of bribery against Mr. Hastings. In his preface to that charge he excuses himself for what is considered to be an act equally insane and wicked, and as the one inexpiable crime of an Indian—the discovery of the money he gives—that Mr. Hastings had declaredly determined on his ruin, and to accomplish it had newly associated himself with one Mohun Persaud, a name I wish your lordships to remember, a bitter enemy of his, an infamous person, whom Mr. Hastings knew to be such, and as such had turned him out of his house; that Mr. Hastings had lately recalled and held frequent communications with this Mohun Persaud, the subject of which he had no doubt was his ruin. In the year 1775 he was hanged by those incorrupt English judges, who were sent to India by Parliament to protect the natives from oppression.

Your lordships will observe that this new sale of the office of ministers succeeded to the sale of that of nabobs. All these varied and successive sales shook the country to pieces. As if those miserable exhausted provinces were to be cured of inanition by phlebotomy—while Cossim Ally was racking it above, the Company were drawing off all its nutriment below. A dreadful, and extensive, and most chargeable war followed. Half the northern force of India poured down like a torrent on Bengal, endangered our existence, and exhausted all our resources. The war was the fruit of Mr. Hastings' cabals. Its termination, as usual, was the result of the

military merit and the fortune of this nation. Cossim Ally, after having been defeated by the military genius and spirit of England (for the Adamses, Monroes, and others of that period, I believe, showed as much skill and bravery as any of their predecessors), in his flight swept away above three millions in money, jewels, or effects, out of a country which he had plundered and exhausted by his unheard-of exactions. However, he fought his way like a retiring lion, turning his face to his pursuers. He still fought along his frontier. His ability and his money drew to his cause the Soubahdar of Oude, the famous Shuja ul Dowla. The Mogul entered into these wars, and penetrated into the lower provinces on one side, while Bulwant Sing, the Rajah of Benares, entered them on another. After various changes of party, and changes of fortune, the loss, which began in the treachery of the civil service, was, as I have before remarked, redeemed by military merit. Many examples of the same sort have since been seen.

While these things were transacted in India, the court of directors in London, hearing of so many changes, hearing of such an incredible mass of perfidy and venality, knowing that there was a general market made of the country and of the Company; that the flame of war spread from province to province; that, in proportion as it spread, the fire glowed with augmented fierceness; and that the rapacity which originally gave rise to it was following it in all its progress; the Company, my lords, alarmed not only for their acquisitions but their existence, and finding themselves sinking lower and lower by every victory they obtained, thought it necessary at length to come to some system and some settlement. After com-

posing their differences with Lord Clive, they sent him out to that country, about the year 1765, in order, by his name, weight, authority, and vigor of mind, to give some sort of form and stability to government, and to rectify the innumerable abuses which prevailed there; and particularly that great source of disorders, that fundamental abuse—presents: for the bribes, by which all these revolutions were bought, had not the name of conditions, stipulations, or rewards; they even had the free and gratuitous style of presents. The receivers contended that they were mere gratuities given for service done, or mere tokens of affection and gratitude to the parties. They may give them what names they please, and your lordships will think of them what you please. But they were the donations of misery to power, the gifts of sufferers to the oppressors; and, consequently, where they prevailed, they left no certain property or fixed situation to any man in India, from the highest to the lowest.

The court of directors sent out orders to enlarge the servants' covenants, with new and severe clauses, strongly prohibiting the practice of receiving presents. Lord Clive himself had been a large receiver of them. Yet, as it was in the moment of a revolution, which gave them all they possessed, the Company would hear no more of it. They sent him out to reform—whether they chose well or ill, does not signify. I think, upon the whole, they chose well; because his name and authority could do much. They sent him out to redress the grievances of that country, and it was necessary he should be well armed for that service. They sent him out with such powers as no servant of the Company ever held before. I would not be understood here in my own character, much less in

the delegated character in which I stand, to contend for any man in the totality of his conduct. Perhaps in some of his measures he was mistaken, and in some of his acts reprehensible; but justice obliges me to say that the plan which he formed, and the course which he pursued, were in general great and well imagined; that he laid great foundations, if they had been properly built upon. For, in the first place, he composed all the neighboring countries, torn to pieces by the wars of Cossim Ally, and quieted the apprehensions raised by the opinion of the boundless ambition of England. He took strong measures to put an end to a great many of the abuses that prevailed in the country subject to the Company. He then proceeded to the upper provinces; and formed a plan which, for a military man, has great civil and political merit. He put a bound to the aspiring spirit of the Company's servants; he limited its conquests; he prescribed bounds to its ambition. First (says he) quiet the minds of the country; what you have obtained, regulate; make it known to India that you resolve to acquire no more. On this solid plan he fixed every prince that was concerned in the preceding wars, on the one side and on the other, in a happy and easy settlement. He restored Shuja ul Dowla, who had been driven from his dominions by the military arm of Great Britain, to the rank of vizier, and to the dominion of the territories of Oude. With a generosity that astonished all Asia, he reinstated this expelled enemy of his nation peaceably upon his throne. And this act of politic generosity did more toward quieting the minds of the people of Asia than all the terror, great as it was, of the English arms. At the same time Lord Clive, generous to all, took pe-

culiar care of our friends and allies. He took care of Bulwant Sing, the great Rajah of Benares, who had taken our part in the war. He secured him from the revenge of Shuja ul Dowla. The Mogul had granted us the superiority over Bulwant Sing. Lord Clive re-established him in a secure, easy independency. He confirmed him, under the British guarantee, in the rich principality which he held.

The Mogul, the head of the Mussulman religion in India, and of the Indian empire, a head honored and esteemed even in its ruins, he procured to be recognized by all the persons that were connected with his empire. The rents, that ought to be paid to the vizier of the empire, he gave to the vizeret. Thus our alliances were cemented; our enemies were reconciled; all Asia was conciliated by our settlement with the king.

To that unhappy fugitive king, driven from place to place, the sport of fortune, now an emperor, and now a prisoner, prayed for in every mosque, in which his authority was conspired against, one day opposed by the coin struck in his name, and the other day sold for it—to this descendant of Tamerlane he allotted, with a decent share of royal dignity, an honorable fixed residence, where he might be useful, and could not be dangerous.

As to the Bengal provinces, he did not take for the Company the viceroyalty, as Mr. Holwell would have persuaded, almost forced, the Company to do; but, to satisfy the prejudice of the Mohammedans, the country was left in the hands nominally of the soubah or viceroy, who was to administer the criminal justice and the exterior forms of royalty. He obtained from the sovereign the dewannee. This is the great act of the constitutional

entrance of the Company into the body politic of India. It gave to the settlement of Bengal a fixed constitutional form, with a legal title acknowledged and recognized now for the first time by all the natural powers of the country, because it arose from the charter of the undoubted sovereign. The dewannee, or high-stewardship, gave to the Company the collection and management of the revenue; and in this modest and civil character they appeared not the oppressors but the protectors of the people. This scheme had all the real power, without any invidious appearance of it; it gave them the revenue, without the parade of sovereignty. On this double foundation the government was happily settled. The minds of the natives were quieted. The Company's territories and views were circumscribed. The arm of force was put out of sight. The imperial name covered everything. The power of the purse was in the hand of the Company. The power of the sword was in effect so, as they contracted for the maintenance of the army. The Company had a revenue of a million and a half. The Nabob had indeed fallen from any real and effective power, yet the dignity of the court was maintained; the prejudices and interests of the Mohammedans, and particularly of their nobility, who had suffered more by this great revolution even than the old inhabitants of the country, were consulted: for by this plan a revenue of £500,000 was settled on the viceroyalty, which was thus enabled to provide in some measure for those great families. The Company likewise, by this plan, in order to enjoy their revenues securely, and to avoid envy and murmur, put them into the hands of Mahomed Reza Khan, whom Lord Clive found in the management of affairs, and did not displace; and he was now made deputy

steward to the Company, as he had been before lieutenant-viceroy to the Nabob. A British resident at Moorshedabad was established as a control. The Company exercised their power over the revenue in the first instance through the natives, but the British resident was in reality the great mover.

If ever this nation stood in a situation of glory throughout Asia, it was in that moment. But, as I have said, some material errors and mistakes were committed. After the formation of this plan, Lord Clive unfortunately did not stay long enough in the country to give consistency to the measures of reformation he had undertaken, but rapidly returned to England; and after his departure the government that continued had not vigor or authority to support the settlement then made; and considerable abuses began to prevail in every quarter. Another capital period in our history here commences. Those who succeeded (though I believe one of them was one of the honestest men that ever served the Company, I mean Governor Verelst) had not weight enough to poise the system of the service, and consequently many abuses and grievances again prevailed. —Supervisors were appointed to every district, as a check on the native collectors, and to report every abuse as it should arise. But they, who were appointed to redress grievances, were themselves accused of being guilty of them. However, the disorders were not of that violent kind which preceded Mr. Hastings' departure, nor such as followed his return—no mercenary wars, no mercenary revolutions, no extirpation of nations, no violent convulsions in the revenue, no subversion of ancient houses, no general sales of any descriptions of men—none of these, but certainly such grievances as made it necessary for the

Company to send out another commission in 1769, with instructions pointing out the chief abuses. It was composed of Mr. Vansittart, Mr. Ford, and Mr. Scrafton. The unfortunate end of that commission is known to all the world: but I mention it in order to state, that the receipt of presents was considered as one of the grievances which then prevailed in India; and that the supervisors under that commission were ordered upon no account whatever to take presents. Upon the unfortunate catastrophe which happened, the Company was preparing to send out another for the rectification of these grievances, when Parliament thought it necessary to supersede that commission—to take the matter into their own hands, and to appoint another commission in a parliamentary way (of which Mr. Hastings was one) for the better government of that country. Mr. Hastings, as I must mention to your lordships, soon after the deposition and restoration of Jaffier Ally Khan, and before Lord Clive arrived, quitted for a while the scene in which he had been so mischievously employed, and returned to England to strengthen himself by those cabals which again sent him out with new authority to pursue the courses which were the natural sequel to his former proceedings. He returned to India with great power indeed; first to a seat in council at Fort St. George, and from thence to succeed to the presidency of Fort William. On him the Company placed their chief reliance. Happy had it been for them, happy for India, and for England, if his conduct had been such as to spare your lordships and the Commons the exhibition of this day.

When this government, with Mr. Hastings at the head of it, was settled, Moorshedabad did still continue the seat of the native government, and of all the collections.

Here the Company was not satisfied with placing a resident at the durbar, which was the first step to our assuming the government in that country. These steps must be traced by your lordships, for I should never have given you this trouble, if it was not necessary to possess you clearly of the several progressive steps by which the Company's government came to be established, and to supersede the native. The next step was the appointment of supervisors in every province, to oversee the native collector. The third was to establish a general council of revenue at Moorshedabad, to superintend the great steward, Mahomed Reza Khan. In 1772, that council by Mr. Hastings was overturned, and the whole management of the revenue brought to Calcutta. Mahomed Reza Khan, by orders of the Company, was turned out of all his offices, and turned out for reasons and principles which your lordships will hereafter see; and at last the dewannee was entirely taken out of the native hands, and settled in the supreme council and presidency itself in Calcutta; and so it remained until the year 1781, when Mr. Hastings made another revolution, took it out of the hands of the supreme council, in which the orders of the Company, an act of Parliament, and their own act had vested it, and put it into a subordinate council—that is, it was entirely vested in himself.

Now your lordships see the whole of the revolutions. I have stated them, I trust, with perspicuity—stated the grounds and principles upon which they were made—stated the abuses that grew upon them—and that every revolution produced its abuse. You saw the native government vanish by degrees, until it was reduced to a situation fit for nothing but to become a private perquisite, as

it has been to Mr. Hastings, and to be granted to whom he pleased. The English government succeeded, at the head of which Mr. Hastings was placed by an act of Parliament, having before held the office of president of the council—the express object of both these appointments being to redress grievances; and within these two periods of his power, as president and governor-general, were those crimes committed of which he now stands accused. All this history is merely by way of illustration—his criminatiom begins from his nomination to the presidency; and we are to consider how he comported himself in that station, and in his office of governor-general.

The first thing in considering the merits or demerits of any governor, is to have some test by which they are to be tried. And here, my lords, we conceive, that when a British governor is sent abroad, he is sent to pursue the good of the people as much as possible in the spirit of the laws of this country, which in all respects intend their conservation, their happiness, and their prosperity. This is the principle upon which Mr. Hastings was bound to govern, and upon which he is to account for his conduct here.

His rule was, what a British governor, intrusted with the power of this country, was bound to do, or to forbear. If he has performed, and if he has abstained, as he ought, dismiss him honorably acquitted from your bar; otherwise condemn him. He may resort to other principles and to other maxims, but this country will force him to be tried by its laws. The law of this country recognizes that well-known crime, called misconduct in office; it is a head of the law of England, and, so far as inferior courts are competent to try it, may be tried in them. Here your lord-

ships' competence is plenary; you are fully competent both to inquire into and to punish the offence. And, first, I am to state to your lordships, by the direction of those whom I am bound to obey, the principles on which Mr. Hastings declares he has conducted his government; principles, which he has avowed—first, in several letters written to the East India Company—next, in a paper of defence delivered to the House of Commons, explicitly; and more explicitly in his defence before your lordships. Nothing in Mr. Hastings' proceedings is so curious as his several defences; and nothing in the defences is so singular as the principles upon which he proceeds. Your lordships will have to decide not only upon a large, connected, systematic train of misdemeanors, but an equally connected system of principles and maxims of government invented to justify those misdemeanors. He has brought them forward and avowed them in the face of day. He has boldly and insultingly thrown them in the face of the representatives of a free people, and we cannot pass them by without adopting them.

I am directed to protest against those grounds and principles upon which he frames his defence; for, if those grounds are good and valid, they carry off a great deal at least, if not entirely the foundation, of our charge. My lords, we contend that Mr. Hastings, as a British governor, ought to govern on British principles: not by British forms—God forbid; for, if ever there was a case in which the letter kills and the spirit gives life, it would be an attempt to introduce British forms and the substance of despotic principles together into any country. No. We call for that spirit of equity, that spirit of justice, that spirit of protection, that spirit of lenity, which

ought to characterize every British subject in power; and on these, and these principles only, he will be tried.

But he has told your lordships, in his defence, that actions in Asia do not bear the same moral qualities which the same actions would bear in Europe.

My lords, we positively deny that principle. I am authorized and called upon to deny it. And having stated at large what he means by saying that the same actions have not the same qualities in Asia and in Europe, we are to let your lordships know, that these gentlemen have formed a plan of *geographical morality*, by which the duties of men, in public and in private situations, are not to be governed by their relation to the great Governor of the universe, or by their relation to mankind, but by climates, degrees of longitude, parallels not of life but of latitudes; as if, when you have crossed the equinoctial, all the virtues die, as they say some insects die when they cross the line; as if there were a kind of baptism, like that practiced by seamen, by which they unbaptize themselves of all that they learned in Europe, and after which a new order and system of things commenced.

This geographical morality we do protest against. Mr. Hastings shall not screen himself under it; and on this point I hope and trust many words will not be necessary to satisfy your lordships. But we think it necessary, in justification of ourselves, to declare, that the laws of morality are the same everywhere; and that there is no action, which would pass for an act of extortion, of peculation, of bribery, and of oppression in England, that is not an act of extortion, of peculation, of bribery, and oppression in Europe, Asia, Africa, and all the world over.

This I contend for, not in the technical forms of it, but I contend for it in the substance.

Mr. Hastings comes before your lordships not as a British governor answering to a British tribunal, but as a soubahdar, as a bashaw of three tails. He says, "I had an arbitrary power to exercise: I exercised it. Slaves I found the people; slaves they are, they are so by their constitution; and if they are, I did not make it for them. I was unfortunately bound to exercise this arbitrary power, and accordingly I did exercise it. It was disagreeable to me, but I did exercise it, and no other power can be exercised in that country." This, if it be true, is a plea in bar. But I trust and hope your lordships will not judge by laws and institutions which you do not know, against those laws and institutions which you do know, and under whose power and authority Mr. Hastings went out to India. Can your lordships patiently hear what *we* have heard with indignation enough, and what, if there were nothing else, would call these principles, as well as the actions which are justified on such principles, to your lordships' bar; that it may be known whether the Peers of England do not sympathize with the Commons in their detestation of such doctrine? Think of an English governor tried before you as a British subject, and yet declaring that he governed on the principles of arbitrary power. His plea is, that he did govern there on arbitrary and despotic and, as he supposes, Oriental principles. And as this plea is boldly avowed and maintained, and as, no doubt, all his conduct was perfectly correspondent to these principles, the principles and the conduct must be tried together.

If your lordships will now permit me, I will state one

of the many places in which he has avowed these principles as the basis and foundation of all his conduct. "The sovereignty which they assumed it fell to my lot, very unexpectedly, to exert; and whether or not such power, or powers of that nature, were delegated to me by any provisions of any act of Parliament, I confess myself too little of a lawyer to pronounce. I only know that the acceptance of the sovereignty of Benares, etc., is not acknowledged or admitted by any act of Parliament; and yet, by the particular interference of the majority of the council, the Company is clearly and indisputably seized of that sovereignty." So that this gentleman, because he is not a lawyer, nor clothed with those robes which distinguish and well distinguish the learning of this country, is not to know anything of his duty; and whether he was bound by any or what act of Parliament, is a thing he is not lawyer enough to know. Now, if your lordships will suffer the laws to be broken by those who are not of the long robe, I am afraid those of the long robe will have none to punish but those of their own profession. He therefore goes to a law he is better acquainted with; that is, the law of arbitrary power and force, if it deserves to be called by the name of law. "If, therefore," says he, "the *sovereignty* of Benares, as ceded to us by the vizier, have *any rights whatever* annexed to it (and be not a mere empty word without meaning), those rights must be such as are held, countenanced, and established by the law, custom, and usage of the Mogul empire, and not by the provisions of any British act of Parliament hitherto enacted. *Those rights*, and none other, I have been the involuntary instrument of enforcing. And if any future act of Parliament shall

positively, or by implication, tend to annihilate those very rights, or their exertion, as I have exerted them, I much fear that the boasted sovereignty of Benares, which was held up as an acquisition almost obtruded on the Company against my consent and opinion (for I acknowledge that even then I foresaw many difficulties and inconveniences in its future exercise); I fear, I say, that this sovereignty will be found a burden instead of a benefit, a heavy clog rather than a precious gem to its present possessors; I mean, unless the whole of our territory in that quarter shall be rounded and made a uniform compact body by one grand and systematic arrangement; such an arrangement as shall do away all the mischiefs, doubts, and inconveniences (both to the governors and the governed) arising from the variety of tenures, rights, and claims in all cases of landed property and feudal jurisdiction in India, from the informality, invalidity, and instability of all engagements in so divided and unsettled a state of society, and from the unavoidable anarchy and confusion of different laws, religions, and prejudices, moral, civil, and political, all jumbled together in one unnatural and discordant mass. Every part of Hindustan has been constantly exposed to these and similar disadvantages ever since the Mohammedan conquests.

"The Hindus, who never incorporated with their conquerors, were kept in order only by the strong hand of power. The constant necessity of similar exertions would increase at once their energy and extent, so that rebellion itself is the parent and promoter of despotism. Sovereignty in India implies nothing else. For I know not how we can form an estimate of its powers but from its visible effects, and those are everywhere the same from

Cabul to Assam. The whole history of Asia is nothing more than precedents to prove the invariable exercise of arbitrary power. To all this I strongly alluded in the minutes I delivered in council, when the treaty with the new vizier was on foot in 1775; and I wished to make Cheit Sing independent, because in India dependence included a thousand evils, many of which I enumerated at that time, and they are entered in the ninth clause of the first section of this charge. I knew the powers with which an Indian sovereignty is armed, and the dangers to which tributaries are exposed. I knew that, from the history of Asia and from the very nature of mankind, the subjects of a despotic empire are always vigilant for the moment to rebel, and the sovereign is ever jealous of rebellious intentions. A zemindar is an Indian subject, and, as such, exposed to the common lot of his fellows. *The mean and depraved state of a mere zemindar* is therefore this very dependence above mentioned on a despotic government, this very proneness to shake off his allegiance, and this very exposure to continual danger from his sovereign's jealousy, which are consequent on the political state of Hindustanic governments. Bulwant Sing, if he had been, and Cheit Sing, as long as he was, a zemindar, stood exactly in this *mean and depraved state* by the constitution of his country. I did not make it for him, but would have secured him from it. Those who made him a zemindar entailed upon him the consequences of so mean and depraved a tenure. Allaverdy Khan and Cossim Alıy fined all their zemindars on the necessities of war, and on every pretence either of court necessity or court extravagance."

My lords, you have now heard the principles on which

Mr. Hastings governs the part of Asia subjected to the British empire. You have heard his opinion of the mean and depraved state of those who are subject to it. You have heard his lecture upon arbitrary power, which he states to be the constitution of Asia. You hear the application he makes of it; and you hear the practices which he employs to justify it, and who the persons were on whose authority he relies, and whose example he professes to follow. In the first place, your lordships will be astonished at the audacity with which he speaks of his own administration, as if he was reading a speculative lecture on the evils attendant upon some vicious system of foreign government, in which he had no sort of concern whatsoever. And then, when in this speculative way he has established, or thinks he has, the vices of the government, he conceives he has found a sufficient apology for his own crimes. And if he violates the most solemn engagements, if he oppresses, extorts, and robs, if he imprisons, confiscates, banishes at his sole will and pleasure, when we accuse him for his ill treatment of the people committed to him as a sacred trust, his defence is—to be robbed, violated, oppressed is their privilege; let the constitution of their country answer for it. I did not make it for them. Slaves I found them, and as slaves I have treated them. I was a despotic prince; despotic governments are jealous, and the subjects prone to rebellion. This very proneness of the subject to shake off his allegiance exposes him to continual danger from his sovereign's jealousy; and this is consequent on the political state of Hindustanic governments. He lays it down, as a rule, that despotism is the genuine constitution of India; that a disposition to rebellion in the subject, or dependent

prince, is the necessary effect of this despotism; and that jealousy and its consequences naturally arise on the part of the sovereign—that the government is everything, and the subject nothing; that the great landed men are in a mean and depraved state, and subject to many evils.

Such a state of things, if true, would warrant conclusions directly opposite to those which Mr. Hastings means to draw from them, both argumentatively and practically, first to influence his conduct and then to bottom his defence of it.

Perhaps you will imagine that the man who avows these principles of arbitrary government, and pleads them as the justification of acts which nothing else can justify, is of opinion that they are, on the whole, good for the people over whom they are exercised. The very reverse. He mentions them as horrible things, tending to inflict on the people a thousand evils, and to bring on the ruler a continual train of dangers. Yet he states that your acquisitions in India will be a detriment instead of an advantage, if you destroy arbitrary power, unless you can reduce all the religious establishments, all the civil institutions, and tenures of land, into one uniform mass; that is, unless by acts of arbitrary power you extinguish all the laws, rights, and religious principles of the people, and force them to a uniformity; and on that uniformity build a system of arbitrary power.

But nothing is more false than that despotism is the constitution of any country in Asia that we are acquainted with. It is certainly not true of any Mohammedan constitution. But if it were, do your lordships really think that the nation would bear, that any human creature would bear, to hear an English governor defend himself on such

principles? or, if he can defend himself on such principles, is it possible to deny the conclusion, that no man in India has a security for anything, but by being totally independent of the British government? Here he has declared his opinion that he is a despotic prince, that he is to use arbitrary power, and of course all his acts are covered with that shield. "*I know*," says he, "*the constitution of Asia only from its practice.*" Will your lordships submit to hear the corrupt practices of mankind made the principles of government?—No; it will be your pride and glory to teach men intrusted with power, that, in their use of it, they are to conform to principles, and not to draw their principles from the corrupt practice of any man whatever. Was there every heard, or could it be conceived, that a governor would dare to heap up all the evil practices, all the cruelties, oppressions, extortions, corruptions, briberies, of all the ferocious usurpers, desperate robbers, thieves, cheats, and jugglers, that ever had office from one end of Asia to another, and consolidating all this mass of the crimes and absurdities of barbarous domination into one code, establish it as the whole duty of an English governor? I believe, that till this time so audacious a thing was never attempted by man.—

He have arbitrary power! My lords, the East India Company have not arbitrary power to give him; the king has no arbitrary power to give him; your lordships have not; nor the Commons; nor the whole legislature. We have no arbitrary power to give, because arbitrary power is a thing which neither any man can hold nor any man can give. No man can lawfully govern himself according to his own will, much less can one person be governed by the will of another. We are all born in subjection, all

born equally, high and low, governors and governed, in subjection to one great, immutable, pre-existent law, prior to all our devices, and prior to all our contrivances, paramount to all our ideas and all our sensations, antecedent to our very existence, by which we are knit and connected in the eternal frame of the universe, out of which we cannot stir.

This great law does not arise from our conventions or compacts; on the contrary, it gives to our conventions and compacts all the force and sanction they can have—it does not arise from our vain institutions. Every good gift is of God; all power is of God—and He, who has given the power, and from whom alone it originates, will never suffer the exercise of it to be practiced upon any less solid foundation than the power itself. If then all dominion of man over man is the effect of the Divine disposition, it is bound by the eternal laws of Him that gave it, with which no human authority can dispense; neither he that exercises it, nor even those who are subject to it: and, if they were mad enough to make an express compact, that should release their magistrate from his duty, and should declare their lives, liberties, and properties dependent upon, not rules and laws, but his mere capricious will, that covenant would be void. The accepter of it has not his authority increased, but he has his crime doubled. Therefore can it be imagined, if this be true, that He will suffer this great gift of government, the greatest, the best, that was ever given by God to mankind, to be the plaything and the sport of the feeble will of a man who, by a blasphemous, absurd, and petulant usurpation, would place his own feeble, contemptible, ridiculous will in the place of the Divine wisdom and justice?

The title of conquest makes no difference at all. No conquest can give such a right; for conquest, that is force, cannot convert its own injustice into a just title, by which it may rule others at its pleasure. By conquest, which is a more immediate designation of the hand of God, the conqueror succeeds to all the painful duties and subordination to the power of God, which belonged to the sovereign whom he has displaced, just as if he had come in by the positive law of some descent or some election. To this at least he is strictly bound—he ought to govern them as he governs his own subjects. But every wise conqueror has gone much further than he was bound to go. It has been his ambition and his policy to reconcile the vanquished to his fortune, to show that they had gained by the change, to convert their momentary suffering into a long benefit, and to draw from the humiliation of his enemies an accession to his own glory. This has been so constant a practice, that it is to repeat the histories of all politic conquerors in all nations and in all times; and I will not so much distrust your lordships' enlightened and discriminating studies and correct memories, as to allude to one of them. I will only show you that the court of directors, under whom he served, has adopted that idea, that they constantly inculcated it to him and to all the servants, that they run a parallel between their own and the native government, and supposing it to be very evil, did not hold it up as an example to be followed, but as an abuse to be corrected; that they never made it a question, whether India is to be improved by English law and liberty, or English law and liberty vitiated by Indian corruption.

No, my lords, this arbitrary power is not to be had by

conquest. Nor can any sovereign have it by succession, for no man can succeed to fraud, rapine, and violence; neither by compact, covenant, or submission—for men cannot covenant themselves out of their rights and their duties; nor by any other means can arbitrary power be conveyed to any man. Those who give to others such rights, perform acts that are void as they are given, good indeed and valid only as tending to subject themselves and those who act with them to the Divine displeasure; because morally there can be no such power. Those who give and those who receive arbitrary power are alike criminal; and there is no man but is bound to resist it to the best of his power, wherever it shall show its face to the world. It is a crime to bear it, when it can be rationally shaken off. Nothing but absolute impotence can justify men in not resisting it to the utmost of their ability.

Law and arbitrary power are in eternal enmity. Name me a magistrate, and I will name property; name me power, and I will name protection. It is a contradiction in terms, it is blasphemy in religion, it is wickedness in politics, to say that any man can have arbitrary power. In every patent of office the duty is included. For what else does a magistrate exist? To suppose for power is an absurdity in idea. Judges are guided and governed by the eternal laws of justice, to which we are all subject. We may bite our chains if we will, but we shall be made to know ourselves, and be taught that man is born to be governed by law; and he that will substitute *will* in the place of it is an enemy to GOD.

Despotism does not in the smallest degree abrogate, alter, or lessen any one duty of any one relation of life, or weaken the force or obligation of any one engagement

or contract whatsoever. Despotism, if it means anything that is at all defensible, means a mode of government bound by no written rules, and coerced by no controlling magistracies or well-settled orders in the state. But if it has no written law, it neither does nor can cancel the primeval, indefeasible, unalterable law of nature and of nations; and if no magistracies control its exertions, those exertions must derive their limitation and direction either from the equity and moderation of the ruler, or from downright revolt on the part of the subject by rebellion, divested of all its criminal qualities. The moment a sovereign removes the idea of security and protection from his subjects, and declares that he is everything, and they nothing, when he declares that no contract he makes with them can or ought to bind him, he then declares war upon them. He is no longer sovereign; they are no longer subjects.

No man, therefore, has a right to arbitrary power. But the thought, which is suggested by the depravity of him who brings it forward, is supported by a gross confusion of ideas and principles, which your lordships well know how to discern and separate. It is manifest, that in the eastern government, and the western, and in all governments, the supreme power in the state cannot, while that state subsists, be rendered criminally responsible for its actions; otherwise it would not be the supreme power. It is certainly true, but the actions do not change their nature by losing their responsibility. The arbitrary acts which are unpunished are not the less vicious, though none but God, the conscience, and the opinions of mankind take cognizance of them.

It is not merely so in this or that government, but in all countries. The king in this country is undoubtedly

unaccountable for his actions. The House of Lords, if it should ever exercise (God forbid I should suspect it would ever do what it has never done), but if it should ever abuse its judicial power, and give such a judgment as it ought not to give, whether from fear of popular clamor on the one hand, or predilection to the prisoner on the other—if they abuse their judgments there is no calling them to an account for it. And so if the Commons should abuse their power—nay, if they should have been so greatly delinquent as not to have prosecuted this offender, they could not be accountable for it; there is no punishing them for their acts, because we exercise a part of the supreme power. But are they less criminal, less rebellious against the Divine Majesty? are they less hateful to man, whose opinions they ought to cultivate as far as they are just? No. Till society fall into a state of dissolution they cannot be accountable for their acts. But it is from confounding the unaccountable character inherent in the supreme power with arbitrary power that all this confusion of ideas has arisen.

Even upon a supposition that arbitrary power can exist anywhere, which we deny totally, and which your lordships will be the first and proudest to deny, still absolute, supreme dominion was never conferred or delegated by you; much less arbitrary power, which never did in any case, nor ever will in any case, time, or country, produce any one of the ends of just government.

It is true that the supreme power in every constitution or government must be absolute; and this may be corrupted into the arbitrary. But all good constitutions have established certain fixed rules for the exercise of their functions, which they rarely or ever depart from, and which

rules form the security against that worst of evils, the government of will and force instead of wisdom and justice.

But though the supreme power is in a situation resembling arbitrary, yet never was there heard of in the history of the world, that is, in that mixed chaos of human wisdom and folly, such a thing as an *intermediate* arbitrary power—that is, of an officer of government, who is to exert authority over the people without any law at all, and who is to have the benefit of all laws, and all forms of law, when he is called to an account. For that is to let a wild beast (for such is a man without law) loose upon the people to prey on them at his pleasure; while all the laws, which ought to secure the people against the abuse of power, are employed to screen that abuse against the cries of the people.

This is *de facto* the state of our Indian government. But to establish it so in right as well as in fact, is a thing left for us to begin with—the first of mankind.

For a subordinate arbitrary or even despotic power never was heard of in right, claim, or authorized practice. Least of all has it been heard of in the eastern governments, where all the instances of severity and cruelty fall upon governors and persons intrusted with power. This would be a gross contradiction. Before Mr. Hastings none ever came before his superiors to claim it; because, if any such thing could exist, he claims the very power of that sovereign who calls him to account.

But suppose a man to come before us, denying all the benefits of law to the people under him—and yet, when he is called to account, to claim all the benefits of that law, which was made to screen mankind from the excesses

of power: such a claim, I will venture to say, is a monster, that never existed except in the wild imagination of some theorist. It cannot be admitted, because it is a perversion of the fundamental principle, that every power, given for the protection of the people below, should be responsible to the power above. It is to suppose, that the people shall have no laws with regard to *him*, yet when *he* comes to be tried, he shall claim the protection of those laws, which were made to secure the people from his violence; that he shall claim a fair trial, an equitable hearing, every advantage of counsel (God forbid he should not have them), yet that the people under him shall have none of those advantages. The reverse is the principle of every just and rational procedure. For the people, who have nothing to use but their natural faculties, ought to be gently dealt with; but those who are intrusted with an artificial and instituted authority have in their hands a great deal of the force of other people; and as their temptations to injustice are greater, so their means are infinitely more effectual for mischief by turning the powers given for the preservation of society to its destruction; so that if an arbitrary procedure be justifiable, a strong one I am sure is, it is when used against those who pretend to use it against others.

My lords, I will venture to say of the governments of Asia, that none of them ever had an arbitrary power; and if any governments had an arbitrary power, they cannot delegate it to any persons under them; that is, they cannot so delegate it to others as not to leave them accountable on the principles upon which it was given. As this is a contradiction in terms, a gross absurdity as well as a monstrous wickedness, let me say, for the honor of human

nature, that although undoubtedly we may speak it with the pride of England, that we have better institutions for the preservation of the rights of men than any other country in the world; yet I will venture to say, that no country has wholly meant, or ever meant, to give this power.

As it cannot exist in right on any rational and solid principles of government, so neither does it exist in the constitution of Oriental governments, and I do not insist upon it that Oriental governments know nothing of arbitrary power. I have taken as much pains as I could to examine into the constitutions of them. I have been endeavoring to inform myself at all times on this subject; of late, my duty has led me to a more minute inspection of them, and I do challenge the whole race of man to show me any of the Oriental governors claiming to themselves a right to act by arbitrary will.

The greatest part of Asia is under Mohammedan governments. To name a Mohammedan government is to name a government by law. It is a law enforced by stronger sanctions than any law that can bind a Christian sovereign. Their law is believed to be given by God, and it has the double sanction of law and of religion, with which the prince is no more authorized to dispense than any one else. And, if any man will produce the Koran to me, and will but show me one text in it that authorizes in any degree an arbitrary power in the government, I will confess that I have read that book, and been conversant in the affairs of Asia, in vain. There is not such a syllable in it; but, on the contrary, against oppressors by name every letter of that law is fulminated. There are interpreters established throughout all Asia to explain that law, an order of priesthood whom they call *men of the*

law. These men are conservators of the law; and, to enable them to preserve it in its perfection, they are secured from the resentment of the sovereign, for he cannot touch them. Even their kings are not always vested with a real supreme power; but the governemnt is in some degree republican.

To bring this point a little nearer home, since we are challenged thus, since we are led into Asia, since we are called upon to make good our charge on the principles of the governments there, rather than of those of our own country (which I trust your lordships will oblige him finally to be governed by, puffed up as he is with the insolence of Asia), the nearest to us of the governments he appeals to is that of the Grand Seignior, the emperor of the Turks.—*He* an arbitrary power! Why he has not the supreme power of his own country. Every one knows that the Grand Seignior is exalted high in *titles*, as our prerogative lawyers exalt an abstract sovereign, and he cannot be exalted higher in our books. I say he is destitute of the first character of sovereign power. He cannot lay a tax upon his people.

The next part in which he misses of a sovereign power is, that he cannot dispose of the life, of the property, or of the liberty of any of his subjects, but by what is called the *fetfa*, or sentence of the law. He cannot declare peace or war without the same sentence of the law; so much is *he*, more than European sovereigns, a subject of strict law, that he cannot declare war or peace without it. Then, if he can neither touch life nor property, if he cannot lay a tax on his subjects, or declare peace or war, I leave it to your lordships' judgment whether he can be called, according to the principles of that constitution, an arbitrary

power. A Turkish sovereign, if he should be judged by the body of that law to have acted against its principles (unless he happens to be secured by a faction of the soldiery), is liable to be deposed on the sentence of that law, and his successor comes in under the strict limitations to the ancient law of that country: neither can he hold his place, dispose of his succession, or take any one step whatever, without being bound by law. Thus much may be said, when gentlemen talk of the affairs of Asia, as to the nearest of Asiatic sovereigns; and he is more Asiatic than European, he is a Mohammedan sovereign; and no Mohammedan is born who can exercise any arbitrary power at all consistently with their constitution; insomuch that this chief magistrate, who is the highest executive power among them, is the very person who, by the constitution of the country, is the most fettered by law.

Corruption is the true cause of the loss of all the benefits of the constitution of that country. The *practice of Asia*, as the gentleman at your bar has thought fit to say, is what he holds to; the constitution he flies away from. The question is, whether you will take the constitution of the country as your rule, or the base practices of those usurpers, robbers, and tyrants, who have subverted it. Undoubtedly much blood, murder, false imprisonment, much peculation, cruelty, and robbery, are to be found in Asia; and if, instead of going to the sacred laws of the country, he chooses to resort to the iniquitous practices of it, and practices authorized only by public tumult, contention, war, and riot, he may, indeed, find as clear an acquittal in the practices as he would find condemnation in the institutions of it. He has rejected the law of England. Your lordships will not suffer it. God

forbid! For my part I should have no sort of objection to let him choose his law—Mohammedan, Tartarian, Gentoo. But if he disputes, as he does, the authority of an act of Parliament, let him state to me that law to which he means to be subject, or any law, which he knows, that will justify his actions. I am not authorized to say that I shall, even in that case, give up what is not in me to give up, because I represent an authority of which I must stand in awe; but, for myself, I shall confess that I am brought to public shame, and am not fit to manage the great interests committed to my charge. I therefore again repeat of that Asiatic government with which we are best acquainted, which has been constituted more in obedience to the laws of Mahomet than any other—that the sovereign cannot, agreeably to that constitution, exercise any arbitrary power whatever.

The next point for us to consider is whether or no the Mohammedan constitution of India authorizes that power. The gentleman at your lordships' bar has thought proper to say that it will be happy for India (though soon after he tells you it is a happiness they can never enjoy) "when the despotic Institutes of Genghiz Khan or Tamerlane shall give place to the liberal spirit of a British legislature; and," says he, "I shall be amply satisfied in my present prosecution, if it shall tend to hasten the approach of an event so beneficial to the great interests of mankind."

My lords, you have seen what he says about an act of Parliament. Do you not now think it rather an extraordinary thing that any British subject should, in vindication of the authority which he has exercised, here quote the names and institutes, as he calls them, of fierce conquerors, of men who were the scourges of mankind,

whose power was a power which they held by force only?

As to the Institutes of Genghiz Khan, which he calls arbitrary institutes, I never saw them. If he has that book he will oblige the public by producing it. I have seen a book existing called Yassa of Genghiz Khan; the other I never saw. If there be any part of it to justify arbitrary power, he will produce it. But, if we may judge by those ten precepts of Genghiz Khan which we have, there is not a shadow of arbitrary power to be found in any one of them. Institutes of arbitrary power! Why, if there is arbitrary power, there can be no institutes.

As to the Institutes of Tamerlane, here they are in their original, and here is a translation. I have carefully read every part of these Institutes; and if any one shows me one word in them in which the prince claims in himself arbitrary power, I again repeat that I shall for my own part confess that I have brought myself to great shame. There is no book in the world, I believe, which contains nobler, more just, more manly, more pious principles of government than this book, called the Institutions of Tamerlane. Nor is there one word of arbitrary power in it, much less of that arbitrary power which Mr. Hastings supposes himself justified by; namely, a delegated, subordinate, arbitrary power. So far was that great prince from permitting this gross, violent, intermediate arbitrary power, that I will venture to say, the chief thing by which he has recommended himself to posterity was a most direct declaration of all the wrath and indignation of the supreme government against it. But here is the book. It contains the Institutes of the founder of the Mogul empire, left as a sacred legacy to his

posterity, as a rule for their conduct, and as a means of preserving their power.

"BE it known to my fortunate sons, the conquerors of kingdoms, to my mighty descendants, the lords of the earth, that, since I have hope in Almighty God that many of my children, descendants, and posterity shall sit upon the throne of power and regal authority; upon this account, having established laws and regulations for the well governing of my dominions, I have collected together those regulations and laws as a model for others; to the end that every one of my children, descendants, and posterity acting agreeably thereto, my power and empire, which I acquired through hardships, and difficulties, and perils, and bloodshed, by the Divine favor and by the influence of the holy religion of Mahomet (God's peace be upon him), and with the assistance of the powerful descendants and illustrious followers of that prophet, may be by them preserved.

"And let them make these regulations the rule of their conduct in the affairs of their empire, that the fortune and the power which shall descend from me to them may be safe from discord and dissolution.

"Now, therefore, be it known to my sons, the fortunate and the illustrious, to my descendants, the mighty subduers of kingdoms, that in like manner as I by twelve maxims, which I established as the rule of my conduct, attained to regal dignity, and with the assistance of these maxims conquered and governed kingdoms, and decorated and adorned the throne of my empire, let them also act according to these regulations, and preserve the splendor of mine and their dominions.

"And among the rules which I established for the

support of my glory and empire, the *First* was this—That I promoted the worship of Almighty God, and propagated the religion of the sacred Mahomet throughout the world; and at all times in all places supported the true faith.

"*Secondly:* With the people of the twelve classes and tribes I conquered and governed kingdoms; and with them I strengthened the pillars of my fortune, and from them I formed my assembly.

"*Thirdly:* By consultation, and deliberation, and provident measures, by caution, and by vigilance, I vanquished armies, and I reduced kingdoms to my authority. And I carried on the business of my empire by complying with times and occasions, and by generosity, and by patience, and by policy; and I acted with courteousness toward my friends and toward my enemies.

"*Fourthly:* By order and by discipline I regulated the concerns of my government; and by discipline and by order I so firmly established my authority that the ameers, and the viziers, and the soldiers, and the subjects, could not aspire beyond their respective degrees; and every one of them was the keeper of his own station.

"*Fifthly:* I gave encouragement to my ameers and to my soldiers, and with money and with jewels I made them glad of heart; and I permitted them to come into the banquet; and in the field of blood they hazarded their lives. And I withheld not from them my gold nor my silver. And I educated and trained them to arms; and to alleviate their sufferings I myself shared in their labors and in their hardships, until with the arm of fortitude and resolution, and with the unanimity of my chiefs, and my generals, and my warriors, by the edge of the sword I

obtained possession of the thrones of seven-and-twenty kings; and became the king and the ruler of the kingdoms of Eracen and of Tooraun; and of Room, and of Mughrib, and of Shaum; and of Missur, and of Erank-a-Arrub, and of Ajjum; and of Mauzinduraun, and of Kylaunaut; and of Shurvaunaut, and of Azzurbauejaun; and of Fauris, and of Khorausaun; and of the Dusht of Jitteh, and the Dusht of Kipchauk; and of Khauruzm, and of Khuttun, and of Kauboolistaun; and of Hindustaun, and of Baukhtur Zemeen.

"And when I clothed myself in the robe of empire, I shut my eyes to safety, and to the repose which is found on the bed of ease. And from the twelfth year of my age I travelled over countries, and combated difficulties, and formed enterprises, and vanquished armies; and experienced mutinies among my officers and my soldiers, and was familiarized to the language of disobedience; and I opposed them with policy and with fortitude, and I hazarded my person in the hour of danger; until in the end I vanquished kingdoms and empires, and established the glory of my name.

"*Sixthly:* By justice and equity I gained the affections of the people of God; and I extended my clemency to the guilty as well as to the innocent; and I passed that sentence which truth required: and by benevolence I gained a place in the hearts of men; and by rewards and punishments I kept both my troops and my subjects divided between hope and fear. And I compassionated the lower ranks of my people, and those who were distressed. And I gave gifts to the soldiers.

"And I delivered the oppressed from the hand of the oppressor; and, after proof of the oppression, whether on

the property or the person, the decision which I passed between them was agreeable to the sacred law. And I did not cause any one person to suffer for the guilt of another.

"Those who had done me injuries, who had attacked my person in battle, and had counteracted my schemes and enterprises, when they threw themselves on my mercy, I received them with kindness; I conferred on them additional honors, and I drew the pen of oblivion over their evil actions. And I treated them in such sort that if suspicion remained in their hearts, it was plucked out entirely.

"*Seventhly:* I selected out, and treated with esteem and veneration, the posterity of the Prophet, and the theologians, and the teachers of the true faith, and the philosophers, and the historians. And I loved men of courage and valor; for God Almighty loveth the brave. And I associated with good and learned men; and I gained their affections, and I entreated their support, and I sought success from their holy prayers. And I loved the dervishes and the poor; and I oppressed them not; neither did I exclude them from my favor. And I permitted not the evil and the malevolent to enter into my council; and I acted not by their advice; and I listened not to their insinuations to the prejudice of others.

"*Eighthly:* I acted with resolution; and on whatever undertaking I resolved, I made that undertaking the only object of my attention; and I withdrew not my hand from that enterprise, until I had brought it to a conclusion. And I acted according to that which I said. And I dealt not with severity toward any one, and I was not oppressive in any of my actions; that God Almighty might not

deal severely toward me, nor render my own actions oppressive unto me.

"And I inquired of learned men into the laws and regulations of ancient princes from the days of Adam to those of the Prophet, and from the days of the Prophet down to this time. And I weighed their institutions, and their actions, and their opinions, one by one. And from their approved manners, and their good qualities, I selected models. And I inquired into the causes of the subversion of their power, and I shunned those actions which tend to the destruction and overthrow of regal authority. And from cruelty and from oppression, which are the destroyers of posterity, and the bringers of famine and of plagues, I found it was good to abstain.

"*Ninthly:* The situation of my people was known unto me. And those who were great among them I considered as my brethren; and I regarded the poor as my children. And I made myself acquainted with the tempers and the dispositions of the people of every country and of every city. And I contracted intimacies with the citizens, and the chiefs, and the nobles; and I appointed over them governors adapted to their manners, and their dispositions, and their wishes. And I knew the circumstances of the inhabitants of every province. And in every kingdom I appointed writers of intelligence, men of truth and integrity, that they might send me information of the conduct, and the behavior, and the actions, and the manners, of the troops and of the inhabitants, and of every occurrence that might come to pass among them. And if I discovered aught contrary to their information, I inflicted punishment on the intelligencer; and every circumstance of cruelty and oppression in the governors,

and in the troops, and in the inhabitants, which reached my ears, I chastised agreeably to justice and equity.

"*Tenthly:* Whatever tribe and whatever horde, whether Toork, or Taucheek, or Arrub, or Ajjum, came in unto me, I received their chiefs with distinction and respect, and their followers I honored according to their degrees and their stations, and to the good among them I did good, and the evil I delivered over to their evil actions.

"And whoever attached himself unto me, I forgot not the merit of his attachment, and I acted toward him with kindness and generosity; and whoever had rendered me services, I repaid the value of those services unto him. And whoever had been my enemy, and was ashamed thereof, and flying to me for protection humbled himself before me, I forgot his enmity, and I purchased him with liberality and kindness.

"In such manner Share Behraum, the chief of a tribe, was along with me. And he left me in the hour of action; and he united with the enemy, and he drew forth his sword against me. And at length, my salt, which he had eaten, seized upon him; and he again fled to me for refuge, and humbled himself before me. As he was a man of illustrious descent, and of bravery, and of experience, I covered my eyes from his evil actions; and I magnified him, and I exalted him to a superior rank, and I pardoned his disloyalty in consideration of his valor.

"*Eleventhly:* My children, and my relations, and my associates, and my neighbors, and such as had been connected with me, all these I distinguished in the days of my fortune and prosperity, and I paid unto them their due. And with respect to my family, I rent not asunder

the bands of consanguinity and mercy; and I issued not commands to slay them or to bind them with chains.

"And I dealt with every man, whatever the judgment I had formed of him, according to my own opinion of his worth. As I had seen much of prosperity and adversity, and had acquired knowledge and experience, I conducted myself with caution and with policy toward my friends and toward my enemies.

"*Twelfthly:* Soldiers, whether associates or adversaries, I held in esteem; those who sell their permanent happiness to perishable honor, and throw themselves into the field of slaughter and battle, and hazard their lives in the hour of danger.

"And the man who drew his sword on the side of my enemy, and committed hostilities against me, and preserved his fidelity to his master, him I greatly honored: and when such a man came unto me, knowing his worth, I classed him with my faithful associates; and I respected and valued his fidelity and his attachment.

"And the soldier who forgot his honor, and in the hour of action turned his face from his master, and came in unto me, I considered as the most detestable of men.

"And in the war between Touktummish Khaun, his ameers forgot their duty to Touktummish, who was their master and my foe, and sent proposals and wrote letters unto me. And I uttered execrations upon them, because, unmindful of that which they owed their lord, they had thrown aside their honor and their duty, and came in unto me. I said unto myself, what fidelity have they observed to their liege lord? what fidelity will they show unto me?

"And, behold, it was known unto me by experience that every empire which is not established in morality

and religion, nor strengthened by regulations and laws, from that empire all order, grandeur, and power shall pass away. And that empire may be likened unto a naked man, who, when exposed to view, commandeth the eye of modesty to be covered; and it is like unto a house which hath neither roof, nor gates, nor defences, into which whoever willeth may enter unmolested.

"THEREFORE, I established the foundation of my empire on the morality and the religion of Islaum; and by regulations and laws I gave it stability. And by laws and by regulations I executed every business and every transaction that came before me in the course of my government."—

I need not read any further, or I might show your lordships the noble principles, the grand, bold, and manly maxims, the resolution to abstain from oppression himself, and to crush it in the governors under him, to be found in this book, which Mr. Hastings has thought proper to resort to as containing what he calls arbitrary principles.

But it is not in this instance only that I must do justice to the East. I assert that their morality is equal to ours, in whatever regards the duties of governors, fathers, and superiors; and I challenge the world to show, in any modern European book, more true morality and wisdom than is to be found in the writings of Asiatic men in high trust, and who have been counsellors to princes. If this be the true morality of Asia, as I affirm and can prove that it is, the plea founded on Mr. Hastings' geographical morality is annihilated.

I little regard the theories of travellers where they do not relate the facts on which they are founded. I have two instances of facts, attested by Tavernier, a traveller

of power and consequence, which are very material to be mentioned here, because they show that in some of the instances recorded, in which the princes of the country have used any of those cruel and barbarous executions which make us execrate them, it has been upon governors who have abused their trust, and that this very Oriental authority, to which Mr. Hastings appeals, would have condemned him to a dreadful punishment. I thank God, and I say it from my heart, that even for his enormous offences there neither is, nor can be, anything like such punishments. God forbid that we should not as much detest out-of-the-way, mad, furious, and unequal punishments, as we detest enormous and abominable crimes; because a severe and cruel penalty for a crime of a light nature is as bad and iniquitous as the crime which it pretends to punish. As the instances I allude to are curious, and as they go to the principles of Mr. Hastings' defence, I shall beg to quote them.

The first is upon a governor who did what Mr. Hastings says he has a power delegated to him to do; he levied a tax without the consent of his master. "Some years after my departure from Com (says Tavernier), the governor had, of his own accord, and without any communication with the king, laid a small impost upon every pannier of fruit brought into the city, for the purpose of making some necessary reparations in the walls and bridges of the town. It was toward the end of the year 1632 that the event I am going to relate happened. The king, being informed of the impost which the governor had laid upon the fruit, ordered him to be brought in chains to court. The king ordered him to be exposed to the people at one of the gates of the palace: then he commanded the son to pluck

off the mustaches of his father, to cut off his nose and ears, to put out his eyes, and then cut off his head. The king then told the son to go and take possession of the government of his father, saying, *See that you govern better than this deceased dog, or thy doom shall be a death more exquisitely tormenting.*"

My lords, you are struck with horror, I am struck with horror, at this punishment. I do not relate it to approve of such a barbarous act; but to prove to your lordships that whatever power the princes of that country have, they are jealous of it to such a degree, that, if any of their governors should levy a tax, even the most insignificant, and for the best purposes, he meets with a cruel punishment. I do not justify the punishment; but the severity of it shows how little of their power the princes of that country mean to delegate to their servants, the whole of which the gentleman at your bar says was delegated to him.

There is another case, a very strong one, and that is the case of presents, which I understood is a custom admitted throughout Asia in all their governments. It was of a person who was raised to a high office; no business was suffered to come before him without a previous present. "One morning, the king being at this time on a hunting party, the nazar came to the tent of the king, but was denied entrance by the *meter*, or master of the wardrobe. About the same time the king came forth, and seeing the nazar, commanded his officers to take off the bonnet from the head of that dog, that took gifts from his people; and that he should sit three days bareheaded in the heat of the sun, and as many nights in the air. Afterward he caused him to be chained about the neck and arms, and

condemned him to perpetual imprisonment, with a mamoudy a day for his maintenance; but he died for grief within eight days after he was put in prison."

Do I mean, by reading this to your lordships, to express or intimate an approbation either of the cruelty of the punishment or of the coarse barbarism of the language? Neither one nor the other. I produce it to your lordships to prove to you from this dreadful example the horror which that government felt when any person subject to it assumed to himself a privilege to receive presents. The cruelty and severity exercised by these princes is not levelled at the poor unfortunate people who complain at their gates, but, to use their own barbarous expression, *to dogs that impose taxes and take presents.*—God forbid I should use that language! The people, when they complain, are not called dogs and sent away, but the governors, who do these things against the people, they are called dogs, and treated in that cruel manner. I quote them to show that no governors in the East, upon any principle of their constitution, or any good practice of their government, can lay arbitrary imposts or receive presents. When they escape it is probably by bribery, by corruption, by creating factions for themselves in the seraglio, in the country, in the army, in the divan. But how they escape such punishments is not my business to inquire; it is enough for me that the constitution disavows them, that the princes of the country disavow them; that they revile them with the most horrible expressions, and inflict dreadful punishments on them, when they are called to answer for these offences.

Thus much concerning the Mohammedan laws of Asia. That the people of Asia have no laws, rights, or liberty,

is a doctrine that wickedly is to be disseminated through this country. But I again assert, every Mohammedan government is by its principles a government of law.

I shall now state, from what is known of the government of India, that it does not and cannot delegate (as Mr. Hastings has frequently declared) the whole of its powers and authority to him. If they are absolute, as they must be in the supreme power, they ought to be arbitrary in none; they were, however, never absolute in any of their subordinate parts, and I will prove it by the known provincial constitutions of Hindustan, which are all Mohammedan, the laws of which are as clear, as explicit, and as learned as ours.

The first foundation of their law is the Koran. The next part is the *Fetfa*, or adjudged cases by proper authority, well known there. The next, the written interpretations of the principles of jurisprudence; and their books are as numerous upon the principles of jurisprudence as in any country in Europe. The next part of their law is what they call the *Kanon*, that is, a positive rvle equivalent to acts of Parliament, the law of the several powers of the country, taken from the Greek word *ΚΑΝΩΝ*, which was brought into their country, and is well known. The next is the *Rage ul Mulk*, or common law and custom of the kingdom, equivalent to our common law. Therefore they have laws from more sources than we have, exactly in the same order, grounded upon the same authority, fundamentally fixed to be administered to the people upon these principles.

The next thing is to show, that in India there is a partition of the powers of the government, which proves that there is no absolute power delegated.

In every province the first person is the soubahdar or nazim, or viceroy: he has the power of the sword, and the administration of criminal justice only. Then there is the dewan, or high steward; he has the revenue, and all exchequer causes under him, to be governed according to the law, and custom, and institutions of the kingdom.

The law of inheritances, successions, and everything that relates to them, is under the cadi, in whose court these matters are tried. But this too was subdivided. The cadi could not judge, but by the advice of his assessors. Properly in the Mohammedan law there is no appeal, only a removal of the cause; but when there is no judgment, as none can be when the court is not unanimous, it goes to the general assembly of all the men of the law.

There are, I will venture to any, other divisions and subdivisions; for there are the kanongoes, who hold their places for life, to be the conservators of the canons, customs, and good usages of the country; all these, as well as the cadi and the mufti, hold their places and situations, not during the wanton pleasure of the prince, but on permanent and fixed terms, for life. All these powers of magistracy, revenue, and law, are all different, consequently not delegated in the whole to any one person. This is the provincial constitution, and these the laws, of Bengal, which proves, if there were no other proof, by the division of the functions and authorities, that the supreme power of the state in the Mogul empire did by no means delegate to any of its officers the supreme power in its fulness. Whether or no we have delegated to Mr. Hastings the supreme power of king and Parliament, that he should act with the plenitude of authority of the British legislature, you are to judge.

Mr. Hastings has no refuge here. Let him run from law to law; let him fly from the common law and the sacred institutions of the country in which he was born; let him fly from acts of Parliament, from which his power originated; let him plead his ignorance of them, or fly in the face of them. Will he fly to the Mohammedan law? —that condemns him. Will he fly to the high magistracy of Asia to defend taking of presents? Pad Sha and the sultan would condemn him to a cruel death. Will he fly to the sophis, to the laws of Persia, or to the practice of those monarchs? I cannot utter the pains, the tortures, that would be inflicted on him, if he were to govern there as he has done in a British province! Let him fly where he will, from law to law;—law (I thank God!) meets him everywhere, and enforced too by the practice of the most impious tyrants, which he quotes as if it would justify his conduct. I would as willingly have him tried by the law of the Koran, or the Institutes of Tamerlane, as on the common law or statute law of this kingdom.

The next question is, whether the Gentoo laws justify arbitrary power; and if he finds any sanctuary there, let him take it, with the cow, in the pagoda. The Gentoos have a law, which positively proscribes in magistrates any idea of will—a law with which, or rather with extracts of it, that gentleman himself has furnished us. These people in many points are governed by their own ancient written law, called the *Shaster*. Its interpreters and judges are the *pundits*. This law is comprehensive, extending to all the concerns of life, affording principles, and maxims, and legal theories, applicable to all cases, drawn from the sources of natural equity, modified by their institutions, full of refinement and subtilty of distinc-

tion equal to that of any other law, and has the grand test of all law, that, wherever it has prevailed, the country has been populous, flourishing, and happy.

Upon the whole, then, follow him where you will—let him have eastern or western law, you find everywhere arbitrary power and peculation of governors proscribed and horribly punished—more so than I should ever wish to punish any, the most guilty, human creature. And if this be the case, as I hope and trust it has been proved to your lordships, that there is law in these countries, that there is no delegation of power which exempts a governor from the law, then I say at any rate a British governor is to answer for his conduct, and cannot be justified by wicked examples and profligate practices.

But another thing which he says is, that he was left to himself to govern himself by his own practice: that is to say, when he had taken one bribe, he might take another; when he had robbed one man of his property, he might rob another; when he had imprisoned one man arbitrarily, and extorted money from him, he might do so by another. He resorts at first to the practice of barbarians and usurpers; at last he comes to his own. Now, if your lordships will try him by such maxims and principles, he is certainly clear; for there is no manner of doubt that there is nothing he has practiced once which he has not practiced again; and then the repetition of crimes becomes the means of his indemnity.

The next pleas he urges are not so much in bar of the impeachment as in extenuation. The first are to be laid by as claims to be made on motion for arrest of judgment, the others as an extenuation or mitigation of his fine. He says, and with a kind of triumph, the Ministry of this

country have great legal assistance; commercial lights of the greatest commercial city in the world; the greatest generals and officers to guide and direct them in military affairs: whereas I, poor man, was sent almost a schoolboy from England, or at least little better—sent to find my way in that new world as well as I could. I had no men of the law, no legal assistance to supply my deficiencies. At *Sphingem habebas domi.* Had he not the chief-justice, the tamed and domesticated chief-justice, who waited on him like a familiar spirit, whom he takes from province to province, his amanuensis at home, his postilion and riding express abroad?

Such a declaration would in some measure suit persons who had acted much otherwise than Mr. Hastings. When a man pleads ignorance in justification of his conduct, it ought to be a humble, modest, unpresuming ignorance—an ignorance which may have made him lax and timid in the exercise of his duty; but an assuming, rash, presumptuous, confident, daring, desperate, and disobedient ignorance heightens every crime that it accompanies. Mr. Hastings, if through ignorance he left some of the Company's orders unexecuted because he did not understand them, might well say, *I was an ignorant man, and these things were above my capacity.* But when he understands them, and when he declares he will not obey them positively and dogmatically—when he says, as he has said, and we shall prove it, *that he never succeeds better than when he acts in an utter defiance of those orders*, and sets at naught the laws of his country—I believe this will not be thought the language of an ignorant man. But I beg your lordships' pardon; it is the language of an ignorant man; for no man, who was not full of a bold, determined,

profligate ignorance, could ever think of such a system of defence. He quitted Westminster School almost a boy. We have reason to regret that he did not finish his education in that noble seminary, which has given so many luminaries to the Church, and ornaments to the State. Greatly it is to be lamented that he did not go to those universities [where arbitrary power will, I hope, never be heard of; but the true principles of religion, of liberty, and law, will ever be inculcated], instead of studying in the school of Cossim Ally Khan.

If he had lived with us, he would have quoted the examples of Cicero in his government; he would have quoted several of the sacred and holy Prophets, and made *them* his example. His want of learning, profane as well as sacred, reduces him to the necessity of appealing to every name and authority of barbarism, tyranny, and usurpation that are to be found; and from these he says, *from the practice of one part of Asia or other I have taken my rule.* But your lordships will show him that in Asia, as well as in Europe, the same law of nations prevails; the same principles are continually resorted to; and the same maxims sacredly held and strenuously maintained; and, however disobeyed, no man suffers from the breach of them, who does not know how and where to complain of that breach—that Asia is enlightened in that respect as well as Europe; but, if it were totally blinded, that England would send out governors to teach them better; and that he must justify himself to the piety, the truth, the faith of England; and not by having recourse to the crimes and criminals of other countries, to the barbarous tyranny of Asia, or any other part of the world.

I will go further with Mr. Hastings, and admit, that if

there be a boy in the fourth form of Westminster School, or any school in England, who does not know, when these articles are read to him, that he has been guilty of gross and enormous crimes, he may have the shelter of his present plea, as far as it will serve him. There is none of us, thank God, so uninstructed, who has learned his catechisms or the first elements of Christianity, who does not know that such conduct is not to be justified, and least of all by examples.

There is another topic he takes up more seriously, and as a general rebutter to the charge—says he, "After a great many of these practices with which I am charged, Parliament appointed me to my trust and consequently has acquitted me." Has it, my lords? I am bold to say that the Commons are wholly guiltless of this charge. I will admit, if Parliament on a full state of his offences before them, and full examination of those offences, had appointed him to the government, that then the people of India and England would have just reason to exclaim against so flagitious a proceeding. A sense of propriety and decorum might have restrained us from prosecuting. They might have been restrained by some sort of decorum from pursuing him criminally. But the Commons stand before your lordships without shame. First, in their name we solemnly assure your lordships that we had not in our parliamentary capacity (and most of us—myself, I can say surely—heard very little, and that in confused rumors) the slightest knowledge of any one of the acts charged upon this criminal at either of the times of his being appointed to office; and that we were not guilty of the nefarious acts of collusion and flagitious breach of trust with which he presumes obliquely to charge us; but from

the moment we knew them, we never ceased to condemn them by reports, by votes, by resolutions; and that we admonished, and declared it to be the duty of the court of directors to take measures for his recall; and when frustrated in the way known to that court, we then proceeded to an inquiry. Your lordships know whether you were better informed. We are, therefore, neither guilty of the precedent crime of colluding with the criminal, nor the subsequent indecorum of prosecuting what we had virtually and practically approved.

Secondly; several of his worst crimes have been committed since the last parliamentary renewal of his trust, as appears by the dates in the charge.

But I believe, my lords, the judges—judges to others, grave and weighty counsellors and assistants to your lordships—will not on reference assert to your lordships, which God forbid, and we cannot conceive, or hardly state in argument, if but for argument, that if one of the judges had received bribes before his appointment to a higher judiciary office, he would not still be open to prosecution.

So far from admitting it as a plea in bar, we charge, and we hope your lordships will find it an extreme aggravation of his offences, that no favors heaped upon him could make him grateful, no renewed and repeated trusts could make him faithful and honest.

We have now gone through most of the general topics.

But—he is not responsible, as being thanked by the court of directors. He has had the thanks and approbation of the India Company for his services. We know too well here, I trust the world knows, and you will always assert, that a pardon from the crown is not pleadable

here, that it cannot bar the impeachment of the Commons; much less a pardon of the East India Company, though it may involve them in guilt, which might induce us to punish them for such a pardon. If any corporation by collusion with criminals refuse to do their duty in coercing them, the magistrates are answerable.

It is the use, virtue, and efficacy of parliamentary judicial procedure, that it puts an end to this dominion of faction, intrigue, cabal, and clandestine intelligences. The acts of men are put to their proper test, and the works of darkness tried in the face of day—not the corrupted opinions of others on them, but their own intrinsic merits. We charge it as his crime, that he bribed the court of directors to thank him for what they had condemned as breaches of his duty.

The East India Company, it is true, have thanked him. They ought not to have done it; and it is a reflection upon their character that they did it. But the directors praise him in the gross, after having condemned each act in detail. His actions are *all*, every one, censured one by one as they arise. I do not recollect any one transaction, few there are I am sure, in the whole body of that succession of crimes now brought before you for your judgment, in which the India Company have not censured him. Nay, in one instance he pleads their censure in bar of this trial; for he says, "In that censure I have already received my punishment." If, for any other reasons, they come and say, "We thank you, sir, for all your services:" To that I answer yes; and *I* would thank him for his services, too, if I knew them. But *I* do not—perhaps *they* do. Let them thank him for those services. I am ordered to prosecute him for these crimes. Here,

therefore, we are on a balance with the India Company; and your lordships may perhaps think it some addition to his crimes, that he has found means to obtain the thanks of the India Company for the whole of his conduct, at the same time that their records are full of constant, uniform, particular censure and reprobation of every one of those acts for which he now stands accused.

He says there is the testimony of Indian princes in his favor. But do we not know how seals are obtained in that country? do we not know how those princes are imposed upon? do we not know the subjection and thraldom in which they are held, and that they are obliged to return thanks for the sufferings which they have felt? I believe your lordships will think that there is not, with regard to some of these princes, a more dreadful thing that can be said of them, than that he has obtained their thanks.

I understand he has obtained the thanks of the miserable princesses of Oude, whom he has cruelly imprisoned, whose treasure he has seized, and whose eunuchs he has tortured.[1]

They thank him for going away. They thank him for leaving them the smallest trifle of their subsistence; and I venture to say, if he wanted a hundred more panegyrics, provided he never came again among them, he might have them. I understand that Mahdajee Scindia has made his panegyric too. Mahdajee Scindia has not made his panegyric for nothing; for, if your lordships will suffer him to enter into such a justification, we shall prove that he has sacrificed the dignity of this country, and the interests

[1] A Latin sentence, which was quoted here, is omitted in the MS. of the shorthand writer.

of all its allies, to that prince. We appear here neither with panegyric nor with satire; it is for substantial crimes we bring him before you, and among others for cruelly using persons of the highest rank and consideration in India; and, when we prove he has cruelly injured them, you will think the panegyrics either gross forgeries or most miserable aggravations of his offences. since they show the abject and dreadful state into which he has driven those people. For, let it be proved that I have cruelly robbed and maltreated any persons, if I produce a certificate from them of my good behavior, would it not be a corroborative proof of the terror into which those persons are thrown by my misconduct?

My lords, these are, I believe, the general grounds of our charge—I have now closed completely, and I hope to your lordships' satisfaction, the whole body of history of which I wished to put your lordships in possession. I do not mean that many of your lordships may not have known it more perfectly by your own previous inquiries; but bringing to your remembrance the state of the circumstances of the persons with whom he acted, the persons and power he has abused—I have gone to the principles he maintains, the precedents he quotes, the laws and authorities which he refuses to abide by, and those on which he relies, and at last I have refuted all those pleas in bar, on which he depends, and for the effect of which he presumes on the indulgence and patience of this country, or on the corruption of some persons in it. And here I close what I had to say upon this subject, wishing and hoping that when I open before your lordships the case more particularly, so as to state rather a plan of the proceeding, than the direct proof of the crimes, your lordships

will hear me with the same goodness and indulgence I have hitherto experienced, that you will consider, if I have detained you long, it was not with a view of exhausting my own strength, or putting your patience to too severe a trial; but from the sense I feel, that it is the most difficult and the most complicated cause that was ever brought before any human tribunal. Therefore I was resolved to bring the whole substantially before you. And now, if your lordships will permit me, I will state the method of my future proceeding, and the future proceeding of the gentlemen assisting me.

I mean first to bring before you the crimes as they are classed and are of the same species and genus; and how they mutually arose from one another. I shall first show, that Mr. Hastings' crimes had root in that which is the root of all evil, I mean avarice; that avarice and rapacity were the groundwork and foundation of all his other vicious system; that he showed it in setting to sale the native government of the country; in setting to sale the whole landed interest of the country; in setting to sale the British government and his own fellow servants, to the basest and wickedest of mankind. I shall then show your lordships, that when, in consequence of such a body of corruption and peculation, he justly dreaded the indignation of his country, and the vengeance of its laws, in order to raise himself a faction, embodied by the same guilt, and rewarded in the same manner, he has with a most abandoned profusion thrown away the revenues of the country to form such a faction here.

I shall next show your lordships, that, having exhausted the resources of the Company, and brought it to extreme difficulties within, he has looked to his *external* resources,

as he calls them. He has gone up into the country. I will show that he has plundered, or attempted to plunder, every person dependent upon, connected, or allied with this country.

We shall afterward show what infinite mischief has followed in the case of Benares, upon which he first laid his hands; next, in the case of the Begums of Oude.

We shall then lay before you the profligate system by which he endeavored to oppress that country, first by residents, next by spies under the name of British agents; and lastly, that, pursuing his way up to the mountains, he has found out one miserable chief, whose crimes were the prosperity of his country; that him he endeavored to torture and destroy—I do not mean in his body, but by exhausting the treasures which he kept for the benefit of his people.

In short, having shown your lordships that no man, who is in his power, is safe from his arbitrary will; that no man, within or without, friend, ally, rival, has been safe from him; having brought it to this point—if I am not able in my own person immediately to go up into the country, and show the ramifications of the system (I hope and trust I shall be spared to take my part in pursuing him through both, if I am not), I shall go at least to the root of it; and some other gentleman, with a thousand times more ability than I possess, will take up each separate part in its proper order. And I believe it is proposed by the managers, that one of them shall, as soon as possible, begin with the affair of Benares.

The point I now mean first to bring before your lordships is the corruption of Mr. Hastings, his system of peculation and bribery; and to show your lordships the

horrible consequences which resulted from it: for, at first sight, bribery and peculation do not seem to be so horrid a matter; they may seem to be only the transferring a little money out of one pocket into another; but I shall show that by such a system of bribery the country is undone.

I shall inform your lordships in the best manner I can, and afterward submit the whole, as I do with a cheerful heart and with an easy and assured security, to that justice which is the security for all the other justice in the kingdom.

FIFTH DAY, FEBRUARY 17, 1788

MY LORDS—The gentlemen who are appointed by the Commons to manage this prosecution have directed me to inform your lordships that they have very carefully and attentively weighed the magnitude of the subject which they bring before you, with the time which the nature and circumstances of affairs allow for their conducting it.

My lords, on that comparison they are very apprehensive that if I should go very largely into a preliminary explanation of the several matters in charge, it might be to the prejudice of an early trial of the substantial merits of each article. We have weighed and considered this maturely. We have compared exactly the time with the matter, and we have found that we are obliged to do, as all men must do who would manage their affairs practicably, to make our opinion of what might be most advantageous to the business conform to the time that is left to perform it in. We must, as all men must, submit affairs to time, and not think of making time conform to our wishes: and

therefore, my lords, I very willingly fall in with the inclinations of the gentlemen with whom I have the honor to act, to come as soon as possible to close fighting, and to grapple immediately and directly with the corruptions of India; to bring before your lordships the direct articles; to apply the evidence to the articles, and to bring the matter forward for your lordships' decision in that manner which the confidence we have in the justice of our cause demands from the Commons of Great Britain.

My lords, these are the opinions of those with whom I have the honor to act, and in their opinions I readily acquiesce. For I am far from wishing to waste any of your lordships' time upon any matter merely through any opinion I have of the nature of the business, when at the same time I find that in the opinion of others it might militate against the production of its full, proper, and (if I may so say) its immediate effect.

It was my design to class the crimes of the late Governor of Bengal—to show their mutual bearings—how they were mutually aided and grew and were formed out of each other. I proposed first of all to show your lordships that they have their root in that which is the origin of all evil, avarice and rapacity—to show how that led to prodigality of the public money—and how prodigality of the public money, by wasting the treasures of the East India Company, furnished an excuse to the Governor-General to break its faith, to violate all its most solemn engagements, and to fall with a hand of stern, ferocious, and unrelenting rapacity upon all the allies and dependencies of the Company. But I shall be obliged in some measure to abridge this plan; and as your lordships already possess, from what I had the honor to state on Saturday,

a general view of this matter, you will be in a condition to pursue it when the several articles are presented.

My lords, I have to state to-day the root of all these misdemeanors—namely, the pecuniary corruption and avarice which gave rise and primary motion to all the rest of the delinquencies charged to be committed by the Governor-General.

My lords, pecuniary corruption forms not only, as your lordships will observe in the charges before you, an article of charge by itself, but likewise so intermixes with the whole, that it is necessary to give, in the best manner I am able, a history of that corrupt system which brought on all the subsequent acts of corruption. I will venture to say, there is no one act, in which tyranny, malice, cruelty, and oppression can be charged, that does not at the same time carry evident marks of pecuniary corruption.

I stated to your lordships on Saturday last the principles upon which Mr. Hastings governed his conduct in India, and upon which he grounds his defence. These may all be reduced to one short word, *arbitrary power*. My lords, if Mr. Hastings had contended, as other men have often done, that the system of government which he patronizes, and on which he acted, was a system tending on the whole to the blessing and benefit of mankind, possibly something might be said for him for setting up so wild, absurd, irrational, and wicked a system. Something might be said to qualify the act from the intention; but it is singular in this man, that at the time he tells you he acted on the principles of arbitrary power, he takes care to inform you that he was not blind to the consequences. Mr. Hastings foresaw that the consequences of this system was corruption. An arbitrary system indeed must always

be a corrupt one. My lords, there never was a man who thought he had no law but his own will, who did not soon find that he had no end but his own profit. Corruption and arbitrary power are of natural unequivocal generation, necessarily producing one another. Mr. Hastings foresees the abusive and corrupt consequences, and then he justifies his conduct upon the necessities of that system. These are things which are new in the world; for there never was a man, I believe, who contended for arbitrary power (and there have been persons wicked and foolish enough to contend for it), that did not pretend, either that the system was good in itself, or that by their conduct they had mitigated or had purified it; and that the poison by passing through their constitution had acquired salutary properties. But if you look at his defence before the House of Commons, you will see that that very system upon which he governed, and under which he now justifies his actions, did appear to himself a system pregnant with a thousand evils and a thousand mischiefs.

The next thing that is remarkable and singular in the principles upon which the Governor-General acted, is, that when he is engaged in a vicious system, which clearly leads to evil consequences, he thinks himself bound to realize all the evil consequences involved in that system. All other men have taken a directly contrary course; they have said, I have been engaged in an evil system, that led indeed to mischievous consequences, but I have taken care by my own virtues to prevent the evils of the system under which I acted.

We say then, not only that he governed arbitrarily, but corruptly, that is to say, that he was a giver and receiver of bribes, and formed a system for the purpose of

giving and receiving them. We wish your lordships distinctly to consider, that he did not only give and receive bribes accidentally, as it happened, without any system and design, merely as the opportunity or momentary temptation of profit urged him to it, but that he has formed plans and systems of government for the very purpose of accumulating bribes and presents to himself. This system of Mr. Hastings' government is such a one, I believe, as the British nation in particular will disown; for I will venture to say, that, if there is any one thing which distinguishes this nation eminently above another, it is that in its offices at home, both judicial and in the state, there is less suspicion of pecuniary corruption attaching to them than to any similar offices in any part of the globe, or that have existed at any time; so that he who would set up a system of corruption, and attempt to justify it upon the principle of utility, that man is staining not only the nature and character of office, but that which is the peculiar glory of the official and judicial character of this country; and therefore in this House, which is eminently the guardian of the purity of all the offices of this kingdom, he ought to be called eminently and peculiarly to account. There are many things undoubtedly in crimes which make them frightful and odious; but bribery, filthy hands, a chief governor of a great empire receiving bribes from poor, miserable, indigent people, this is what makes government itself base, contemptible, and odious in the eyes of mankind.

My lords, it is certain that even tyranny itself may find some specious color, and appear as more severe and rigid execution of justice. Religious persecution may shield itself under the guise of a mistaken and over-zealous

piety. Conquest may cover its baldness with its own laurels, and the ambition of the conqueror may be hid in the secrets of his own heart under a veil of benevolence, and make him imagine he is bringing temporary desolation upon a country, only to promote its ultimate advantage and his own glory. But in the principles of that governor who makes nothing but money his object there can be nothing of this. There are here none of those specious delusions that look like virtues, to veil either the governed or the governor. If you look at Mr. Hastings' merits, as he calls them, what are they? Did he improve the internal state of the government by great reforms? No such thing; or by a wise and incorrupt administration of justice? No. —Has he enlarged the boundary of our government? No; there are but too strong proofs of his lessening it. But his pretensions to merit are, that he squeezed more money out of the inhabitants of the country than other persons could have done—money got by oppression, violence, extortion from the poor, or the heavy hand of power upon the rich and great.

These are his merits. What we charge as his demerits are all of the same nature; for though there is undoubtedly oppression, breach of faith, cruelty, perfidy, charged upon him, yet the great ruling principle of the whole, and that from which you can never have an act free, is money; it is the vice of base avarice, which never is, nor ever appears even to the prejudices of mankind to be, anything like a virtue. Our desire of acquiring sovereignty in India undoubtedly originated first in ideas of safety and necessity; its next step was a step of ambition. That ambition, as generally happens in conquest, was followed by gains of money; but afterward there was no mixture at all—it

was, during Mr. Hastings' time, altogether a business of money. If he has extirpated a nation, I will not say whether properly or improperly, it is because (says he) you have all the benefit of conquest without expense, you have got a large sum of money from the people, and you may leave them to be governed by whom and as they will. This is directly contrary to the principles of conquerors. If he has at any time taken any money from the dependencies of the Company, he does not pretend that it was obtained from their zeal and affection to our cause, or that it made their submission more complete; very far from it. He says, they ought to be independent, and all that you have to do is to squeeze money from them. In short, money is the beginning, the middle, and the end of every kind of act done by Mr. Hastings—pretendedly for the Company, but really for himself.

Having said so much about the origin, the first principle both of that which he makes his merit and which we charge as his demerit, the next step is, that I should lay open to your lordships, as clearly as I can, what the sense of his employers, the East India Company, and what the sense of the legislature itself has been upon those merits and demerits of money.

My lords, the Company, knowing that these money transactions were likely to subvert that empire which was first established upon them, did, in the year 1765, send out a body of the strongest and most solemn covenants to their servants, that they should take no presents from the country powers under any name or description, except those things which were publicly and openly taken for the use of the Company, namely, *territories* or *sums of money* which might be obtained by treaty. They distin-

guished such presents as were taken from any persons privately and unknown to them, and without their authority, from subsidies; and that this is the true nature and construction of their order, I shall contend, and explain afterward of your lordships. They have said, nothing shall be taken for their private use; for though in that and in every state there may be subsidiary treaties, by which sums of money may be received, yet they forbid their servants, their governors, whatever application they might pretend to make of them, to receive, under any other name or pretence, more than a certain marked simple sum of money, and this not without the consent and permission of the presidency to which they belong. This is the substance, the principle, and the spirit of the covenants, and will show your lordships how radicated an evil this of bribery and presents was judged to be.

When these covenants arrived in India, the servants refused at first to execute them, and suspended the execution of them till they had enriched themselves with presents. Eleven months elapsed, and it was not till Lord Clive reached the place of his destination that the covenants were executed; and they were not executed then without some degree of force. Soon afterward the treaty was made with the country powers, by which Shuja ul Dowla was re-established in the province of Oude, and paid a sum of £500,000 to the Company for it. It was a public payment, and there was not a suspicion that a single shilling of private emolument attended it. But whether Mr. Hastings had the example of others or not, their example could not justify his briberies. He was sent there to put an end to all those examples. The Company did expressly vest him with

that power. They declared at that time that the whole of their service was totally corrupted by bribes and presents, and by extravagance and luxury, which partly gave rise to them; and these in their turn enabled them to pursue those excesses. They not only reposed trust in the integrity of Mr. Hastings, but reposed trust in his remarkable frugality and order in his affairs, which they considered as things that distinguished his character. But in his defence we have him quite in another character, no longer the frugal, attentive servant bred to business, bred to bookkeeping, as all the Company's servants are; he now knows nothing of his own affairs, knows not whether he is rich or poor, knows not what he has in the world. Nay, people are brought forward to say, that they know better than he does what his affairs are. He is not like a careful man, bred in a counting-house, and by the directors put into an office of the highest trust on account of the regularity of his affairs; he is like one buried in the contemplation of the stars, and knows nothing of the things in this world. It was then on account of an idea of his great integrity that the Company put him into this situation. Since that he has thought proper to justify himself, not by clearing himself of receiving bribes, but by saying that no bad consequences resulted from it, and that, if any such evil consequences did arise from it, they arose rather from his inattention to money than from his desire of acquiring it.

I have stated to your lordships the nature of the covenants which the East India Company sent out. Afterward, when they found their servants had refused to execute these covenants, they not only severely repre-

hended even a moment's delay, in their execution and threatened the exacting the most strict and rigorous performance of them, but they sent a commission to enforce the observance of them more strongly; and that commission had it specially in charge never to receive presents. They never sent out a person to India without recognizing the grievance, and without ordering that presents should not be received, as the main fundamental part of their duty, and upon which all the rest depended, as it certainly must; for persons at the head of government should not encourage that by example which they ought by precept, authority, and force to restrain in all below them. That commission failing, another commission was preparing to be sent out with the same instructions, when an act of Parliament took it up: and that act, which gave Mr. Hastings power, did mold in the very first stamina of his power this principle in words the most clear and forcible that an act of Parliament could possibly devise upon the subject. And that act was made not only upon a general knowledge of the grievance, but your lordships will see in the reports of that time that Parliament had directly in view before them the whole of that monstrous head of corruption under the name of presents, and all the monstrous consequences that followed it.

Now, my lords, every office of trust in its very nature forbids the receipt of bribes. But Mr. Hastings was forbidden it, first by his official situation, next by covenant, and lastly by act of Parliament—that is to say, by all the things that bind mankind, or that can bind them—first, moral obligation inherent in the duty of their office; next, the positive injunctions of the legislature of the country; and lastly, a man's own private particular, voluntary act

and covenant. These three, the great and only obligations that bind mankind, all united in the focus of this single point—that they should take no presents.

I am to mark to your lordships, that this law and this covenant did consider indirect ways of taking presents—taking them by others, and such like—directly in the very same light as they considered taking them by themselves. It is perhaps a much more dangerous way, because it adds to the crime a false, prevaricating mode of concealing it, and makes it much more mischievous by admitting others into the participation of it. Mr. Hastings has said, and it is one of the general complaints of Mr. Hastings, that he is made answerable for the acts of other men. It is a thing inherent in the nature of his situation. All those who enjoy a great superintending trust, which is to regulate the whole affairs of an empire, are responsible for the acts and conduct of other men, so far as they had anything to do with appointing them, or holding them in their places, or having any sort of inspection into their conduct.

But when a governor presumes to remove from their situations those persons whom the public authority and sanction of the Company have appointed, and obtrudes upon them by violence other persons, superseding the orders of his masters, he becomes doubly responsible for their conduct. If the persons he names should be of notorious evil character and evil principles, and if this should be perfectly known to himself, and of public notoriety to the rest of the world, then another strong responsibility attaches on him for the acts of those persons.

Governors, we know very well, cannot with their own hands be continually receiving bribes; for then they must

have as many hands as one of the idols in an Indian temple, in order to receive all the bribes which a governor-general may receive; but they have them vicariously. As there are many offices, so he has had various officers, for receiving and distributing his bribes; he has had a great many, some white and some black agents. The white men are loose and licentious; they are apt to have resentments, and to be bold in revenging them. The black men are very secret and mysterious; they are not apt to have very quick resentments; they have not the same liberty and boldness of language which characterize Europeans; and they have fears too for themselves, which makes it more likely that they will conceal anything committed to them by Europeans. Therefore Mr. Hastings had his black agents, not one, two, three, but many, disseminated through the country; no two of them hardly appear to be in the secret of any one bribe. He has had likewise his white agents—they were necessary—a Mr. Larkins and a Mr. Crofts. Mr. Crofts was sub-treasurer, and Mr. Larkins accountant-general. These were the last persons of all others that should have had anything to do with bribes, yet these were some of his agents in bribery. There are few instances in comparison of the whole number of bribes, but there are some, where two men are in the secret of the same bribe. Nay, it appears that there was one bribe divided into different payments at different times —that one part was committed to one black secretary, another part to another black secretary. So that it is almost impossible to make up a complete body of all his bribery: you may find the scattered limbs, some here and others there; and while you are employed in picking them up, he may escape entirely in a prosecution for the whole.

The first act of his government in Bengal was the most bold and extraordinary that I believe ever entered into the head of any man—I will say, of any tyrant. It was no more or less than a general (almost exceptless) confiscation, in time of profound peace, of all the landed property in Bengal upon most extraordinary pretences. Strange as this may appear, he did so confiscate it; he put it up to a pretended public, in reality to a private corrupt, auction; and such favored landholders as came to it were obliged to consider themselves as not any longer proprietors of the estates, but to recognize themselves as farmers under government; and even those few that were permitted to remain on their estates had their payments raised at his arbitrary discretion; and the rest of the lands were given to farmers-general, appointed by him and his committee, at a price fixed by the same arbitrary discretion.

It is necessary to inform your lordships that the revenues of Bengal are for the most part territorial revenues, great quit rents issuing out of lands. I shall say nothing either of the nature of this property, of the rights of the people to it, or of the mode of exacting the rents, till that great question of revenues, one of the greatest which we shall have to lay before you, shall be brought before your lordships particularly and specially as an article of charge. I only mention it now as an exemplification of the great principle of corruption which guided Mr. Hastings' conduct.

When the ancient nobility, the great princes (for such I may call them), a nobility perhaps as ancient as that of your lordships (and a more truly noble body never existed in that character), my lords, when all the nobility, some

of whom have borne the rank and port of princes, all the gentry, all the freeholders of the country, had their estates in that manner confiscated, that is, either given to themselves to hold on the footing of farmers, or totally confiscated; when such an act of tyranny was done, no doubt some good was pretended. This confiscation was made by Mr. Hastings, and the lands let to these farmers for five years, upon an idea which always accompanies his acts of oppression, the idea of *moneyed merit.* He adopted this mode of confiscating the estates, and letting them to farmers, for the avowed purpose of seeing how much it was possible to take out of them. Accordingly he set them up to this wild and wicked auction, as it would have been if it had been a real one—corrupt and treacherous as it was. He set these lands up for the purpose of making that discovery, and pretended that the discovery would yield a most amazing increase of rent. And for some time it appeared so to do, till it came to the touchstone of experience; and then it was found that there was a defalcation from these monstrous raised revenues, which were to cancel in the minds of the directors the wickedness of so atrocious, flagitious, and horrid an act of treachery. At the end of five years, what do you think was the failure? —No less than £2,050,000. Then a new source of corruption was opened, that is, how to deal with the balances: for every man who had engaged in these transactions was a debtor to government, and the remission of that debt depended upon the discretion of the Governor-General. Then the persons who were to settle the composition of that immense debt, who were to see how much was recoverable, and how much not, were able to favor, or to exact to the last shilling; and there never existed a doubt, but

that not only upon the original cruel exaction, but upon the remission afterward, immense gains were derived. This will account for the manner in which those stupendous fortunes, which astonish the world, have been made. They have been made—first, by a tyrannous exaction from the people who were suffered to remain in possession of their own land as farmers, then by setting the rest to farmers at rents and under hopes which could never be realized, and then getting money for the relaxation of their debts. But whatever excuse, and however wicked, there might have been for this wicked act, namely, that it carried upon the face of it some sort of appearance of public good, that is to say, that sort of public good which Mr. Hastings so often professed, of ruining the country for the benefit of the Company; yet in fact this business of balances is that *nidus* in which have been nustled and bred and born all the corruptions of India—first, by making extravagant demands, and afterward by making corrupt relaxations of them.

Besides this monstrous failure in consequence of a miserable exaction, by which more was attempted to be forced from the country than it was capable of yielding, and this by way of experiment, when your lordships come to inquire who the farmers-general of the revenue were, you would naturally expect to find them to be the men in the several countries who had the most interest, the greatest wealth, the best knowledge of the revenue and resources of the country in which they lived. These would be thought the natural, proper farmers-general of each district. No such thing, my lords. They are found in the body of the people whom I have mentioned to your lordships. They were almost all let to Calcutta banyans.

Calcutta banyans were the farmers of almost the whole. They sub-delegated to others, who sometimes had sub-delegates under them *ad infinitum*. The whole formed a system together through the succession of black tyrants scattered through the country, in which you at last find the European at the end, sometimes indeed not hid very deep, not above one between him and the farmer, namely, his banyan directly, or some other black persons to represent him. But some have so managed the affair, that when you inquire who the farmer is—Was such a one farmer?—No. Cantoo Baboo?—No. Another?—No. At last you find three deep of fictitious farmers, and you find the European gentlemen, high in place and authority, the real farmers of the settlement. So that the zemindars were dispossessed, the country racked and ruined, for the benefit of a European under the name of a farmer: for you will easily judge whether these gentlemen had fallen so deeply in love with the banyans, and thought so highly of their merits and services, as to reward *them* with all the possessions of the great landed interest of the country. Your lordships are too grave, wise, and discerning, to make it necessary for me to say more upon that subject. Tell me that the banyans of English gentlemen, dependants on them at Calcutta, were the farmers throughout, and I believe I need not tell your lordships for whose benefit they were farmers.

But there is one of these, who comes so nearly, indeed so precisely, within this observation, that it is impossible for me to pass him by. Whoever has heard of Mr. Hastings' name with any knowledge of Indian connections, has heard of his banyan Cantoo Baboo. This man is well known in the records of the Company, as his agent for

receiving secret gifts, confiscations, and presents. You would have imagined that he would at least have kept *him* out of these farms in order to give the measure a color at least of disinterestedness, and to show that this whole system of corruption and pecuniary oppression was carried on for the benefit of the Company. The Governor-General and council made an ostensible order, by which no collector or person concerned in the revenue should have any connection with these farms. This order did not include the Governor-General in the words of it, but more than included him in the spirit of it; because his power to protect a farmer-general in the person of his own servant was infinitely greater than that of any subordinate person. Mr. Hastings, in breach of this order, gave farms to his own banyan. You find him the farmer of great, of vast and extensive farms.

Another regulation that was made on that occasion was, that no farmer should have, except in particular cases, which were marked, described, and accurately distinguished, a greater farm than what paid £10,000 a year to government. Mr. Hastings, who had broken the first regulation by giving any farm at all to his banyan, finding himself bolder, broke the second too, and, instead of £10,000, gave him farms paying a revenue of £130,000 a year to government. Men undoubtedly have been known to be under the dominion of their domestics: such things nave happened to great men; they never have happened justifiably in my opinion. They have never happened excusably; but we are acquainted sufficiently with the weakness of human nature to know that a domestic who has served you in a near office long, and in your opinion faithfully, does become a kind of relation: it brings on a great

affection and regard for his interest. Now was this the case with Mr. Hastings and Cantoo Baboo? Mr. Hastings was just arrived at his government, and Cantoo Baboo had been but a year in his service; so that he could not in that time have contracted any great degree of friendship for him. These people do not live in your house; the Hindu servants never sleep in it; they cannot eat with your servants; they have no second table, in which they can be continually about you, to be domesticated with yourself, a part of your being, as people's servants are to a certain degree. These persons live all abroad; they come at stated hours upon matters of business, and nothing more. But if it had been otherwise, Mr. Hastings' connection with Cantoo Baboo had been but of a year's standing: he had before served in that capacity Mr. Sykes, who recommended him to Mr. Hastings. Your lordships then are to judge, whether such outrageous violations of all the principles by which Mr. Hastings pretended to be guided in the settlement of these farms were for the benefit of this old, decayed, affectionate servant of one year's standing; your lordships will judge of that.

I have here spoken only of the beginning of a great notorious system of corruption, which branched out so many ways, and into such a variety of abuses, and has afflicted that kingdom with such horrible evils from that day to this, that I will venture to say it will make one of the greatest, weightiest, and most material parts of the charge that is now before you; as I believe I need not tell your lordships that an attempt to set up the whole landed interest of a kingdom to auction must be attended, not only in that act but every consequential act, with most grievous and terrible consequences.

My lords, I will now come to a scene of peculation of another kind; namely, a peculation by the direct sale of offices of justice; by the direct sale of the successions of families; by the sale of guardianships, and trusts, held most sacred among the people of India; by the sale of them, not as before to farmers, not, as you might imagine, to near relations of the families, but a sale of them to the unfaithful servants of those families—their own perfidious servants, who had ruined their estates, who, if any balances had accrued to the government, had been the cause of those debts. Those very servants were put in power over their estates, their persons, and their families by Mr. Hastings for a shameful price. It will be proved to your lordships in the course of this business, that Mr. Hastings has done this in another sacred trust, the most sacred trust a man can have; that is, in the case of those vackiels (as they call them), agents or attorneys, who had been sent to assert and support the rights of their miserable masters before the council-general. It will be proved that these vackiels were by Mr. Hastings, for a price to be paid for it, put in possession of the very power, situation, and estates of those masters who sent them to Calcutta to defend them from wrong and violence. The selling offices of justice, the sale of succession in families, of guardianships and other sacred trusts, the selling masters to their servants, and principals to the attorneys they employed to defend themselves, were all parts of the same system; and these were the horrid ways in which he received bribes beyond any common rate.

When Mr. Hastings was appointed, in the year 1773, to be Governor-General of Bengal, together with Mr. Barwell, General Clavering, Colonel Monson, and Mr. Fran-

cis, the Company, knowing the former corrupt state of their service (but the whole corrupt system of Mr. Hastings at that time not being known, or even suspected at home), did order them, in discharge of the spirit of the act of Parliament, to make an inquiry into all manner of corruptions and malversations in office, without the exception of any persons whatever. Your lordships are to know that the act did expressly authorize the court of directors to frame a body of instructions, and to give orders to their new servants, appointed under the act of Parliament, lest it should be supposed that they, by their appointment under the act, could supersede the authority of the directors.

The directors sensible of the power left in them over their servants by the act of Parliament, though their nomination was taken from them, did, agreeably to the spirit and power of that act, give this order.

The council consisted of two parties: Mr. Hastings and Mr. Barwell, who were chosen and kept there, upon the idea of their local knowledge; and the other three, who were appointed on account of their great parts and known integrity. And I will venture to say that those three gentlemen did so execute their duty in India, in all the substantial parts of it, that they will serve as a shield to cover the honor of England, whenever this country is upbraided in India.

They found a rumor running through the country of great peculations and oppressions. Soon after, when it was known what their instructions were, and that the council was ready, as is the first duty of all governors, even when there is no express order, to receive complaints against the oppressions and corruptions of gov-

ernment in any part of it—they found such a body (and that body shall be produced to your lordships) of corruption and peculation in every walk, in every department, in every situation of life, in the sale of the most sacred trusts, and in the destruction of the most ancient families of the country, as I believe in so short a time never was unveiled since the world began.

Your lordships would imagine that Mr. Hastings would at least ostensibly have taken some part in endeavoring to bring these corruptions before the public, or that he would at least have acted with some little management in his opposition. But alas! it was not in his power; there was not one, I think, but I am sure very few, of these general articles of corruption, in which the most eminent figure in the crowd, the principal figure, as it were, in the piece, was not Mr. Hastings himself. There were a great many others involved; for all departments were corrupted and vitiated. But you could not open a page in which you did not see Mr. Hastings, or in which you did not see Cantoo Baboo. Either the black or white side of Mr. Hastings constantly was visible to the world in every part of these transactions.

With the other gentlemen who were visible, too, I have at present no dealing. Mr. Hastings, instead of using any management on that occasion, instantly set up his power and authority directly against the majority of the council, directly against his colleagues, directly against the authority of the East India Company, and the authority of the act of Parliament, to put a dead stop to all these inquiries. He broke up the council the moment they attempted to perform this part of their duty. As the evidence multiplied upon him, the daring exertions of his

power in stopping all inquiries increased continually. But he gave a credit and authority to the evidence by these attempts to suppress it.

Your lordships have heard that among the body of the accusers of this corruption there was a principal man in the country, a man of the first rank and authority in it, called Nundcomar, who had the management of revenues amounting to £150,000 a year, and who had, if really inclined to play the small game with which he has been charged by his accusers, abundant means to gratify himself in playing great ones; but Mr. Hastings has himself given him, upon the records of the Company, a character which would at least justify the council in making some inquiry into charges made by him.

First, he was perfectly competent to make them, because he was in the management of those affairs from which Mr. Hastings is supposed to have received corrupt emolument. He and his son were the chief managers in those transactions. He was, therefore, perfectly competent to it. Mr. Hastings has cleared his character; for though it is true, in the contradictions in which Mr. Hastings has entangled himself, he has abused and insulted him, and particularly after his appearance as an accuser, yet before this he has given this testimony of him, that the hatred that had been drawn upon him, and the general obloquy of the English nation, was on account of his attachment to his own prince and the liberties of his country. Be he what he might, I am not disposed nor have I the least occasion to defend either his conduct or his memory.

It is to no purpose for Mr. Hastings to spend time in idle objections to the character of Nundcomar. Let him

be as bad as Mr. Hastings represents him. I suppose he was a caballing, bribing, intriguing politician, like others in that country, both black and white. We know, associates in dark and evil actions are not generally the best of men; but be that as it will, it generally happens that they are the best of all discoverers. If Mr. Hastings were the accuser of Nundcomar, I should think the presumptions equally strong against Nundcomar, if he had acted as Mr. Hastings has acted. He was not only competent, but the most competent of all men to be Mr. Hastings' accuser. But Mr. Hastings has himself established both his character and his competency, by employing him against Mahomed Reza Khan. He shall not blow hot and cold. In what respect was Mr. Hastings better than Mahomed Reza Khan, that the whole rule, principle, and system of accusation and inquiry should be totally reversed in general, nay, reversed in the particular instance, the moment he became accuser against Mr. Hastings? Such was the accuser. He was the man that gave the bribes, and, in addition to his own evidence, offers proof by other witnesses.

What was the accusation? Was the accusation improbable, either on account of the subject-matter or the actor in it? Does such an appointment as that of Munny Begum, in the most barefaced evasion of his orders, appear to your lordships a matter that contains no just presumptions of guilt? so that when a charge of bribery comes upon it, you are prepared to reject it, as if the action were so clear and proper, that no man could attribute it to an improper motive? And as to the man, is Mr. Hastings a man against whom a charge of bribery is improbable? Why, he owns it. He is a professor of it. He reduces it

into scheme and system. He glories in it. He turns it to merit, and declares it is the best way of supplying the exigencies of the Company. Why therefore should it be held improbable?—But I cannot mention this proceeding without shame and horror.

My lords, when this man appeared as the accuser of Mr. Hastings, if he was a man of bad character, it was a great advantage to Mr. Hastings to be accused by a man of that description. There was no likelihood of any great credit being given to him.

This person who, in one of those sales of which I have already given you some account in the history of the last period of the revolutions of Bengal, had been, or thought he had been, cheated of his money, had made some discoveries, and been guilty of that great irremissible sin in India, the disclosure of peculation. He afterward came with a second disclosure, and was likely to have odium enough upon the occasion. He directly charged Mr. Hastings with the receipt of bribes amounting together to about £40,000 sterling, given by himself, on his own account and that of Munny Begum. The charge was accompanied with every particular, which could facilitate proof or detection, time, place, persons, species, to whom paid, by whom received. Here was a fair opportunity for Mr. Hastings at once to defeat the malice of his enemies, and to clear his character to the world. His course was different. He railed much at the accuser, but did not attempt to refute the accusation. He refuses to permit the inquiry to go on, attempts to dissolve the council, commands his banyan not to attend. The council, however, goes on, examines to the bottom, and resolves that the charge was proved, and that the money ought to go to the Company.

Mr. Hastings then broke up the council, I will not say whether legally or illegally. The Company's law counsel thought he might legally do it; but he corruptly did it, and left mankind no room to judge but that it was done for the screening of his own guilt; for a man may use a legal power corruptly, and for the most shameful and detestable purposes. And thus matters continued, till he commenced a criminal prosecution against this man—this man, whom he dared not meet as a defendant.

Mr. Hastings, instead of answering the charge, attacks the accuser. Instead of meeting the man in front, he endeavored to go round, to come upon his flanks and rear, but never to meet him in the face upon the ground of his accusation, as he was bound by the express authority of law and the express injunctions of the directors to do. If the bribery is not admitted on the evidence of Nundcomar, yet his suppressing it is a crime—a violation of the orders of the court of directors. He disobeyed those instructions; and if it be only for disobedience, for rebellion against his masters (putting the corrupt motive out of the question), I charge him for this disobedience, and especially on account of the principles upon which he proceeded in it.

Then he took another step; he accused Nundcomar of a conspiracy, which was a way he then and ever since has used whenever means were taken to detect any of his own iniquities.

And here it becomes necessary to mention another circumstance of history, that the legislature, not trusting entirely to the Governor-General and council, had sent out a court of justice to be a counter-security against these corruptions, and to detect and punish any such misde-

meanors as might appear. And this court, I take for granted, has done great services.

Mr. Hastings flew to this court, which was meant to protect in their situations informers against bribery and corruption, rather than to protect the accused from any of the preliminary methods which must indispensably be used for the purpose of detecting their guilt; he flew to this court, charging this Nundcomar and others with being conspirators.

A man might be convicted as a conspirator, and yet afterward live; he might put the matter into other hands, and go on with his information; nothing less than *stone-dead* would do the business. And here happened an odd concurrence of circumstances. Long before Nundcomar preferred his charge he knew that Mr. Hastings was plotting his ruin, and that for this purpose he had used a man whom he, Nundcomar, had turned out of doors, called Mohun Persaud. Mr. Hastings had seen papers put upon the board charging him with this previous plot for the destruction of Nundcomar; and this identical person, Mohun Persaud, whom Nundcomar had charged as Mr. Hastings' associate in plotting his ruin, was now again brought forward as the principal evidence against him. I will not enter (God forbid I should) into the particulars of the subsequent trial of Nundcomar; but you will find the marks and characters of it to be these. You will find a close connection between Mr. Hastings and the chief justice, which we shall prove. We shall prove that one of the witnesses who appeared there was a person who had been before, or has since been, concerned with Mr. Hastings in his most iniquitous transactions. You will find, what is very odd, that in this trial for forgery, with

which this man stood charged, forgery in a private transaction, all the persons who were witnesses, or parties to it, had been, before or since, the particular friends of Mr. Hastings—in short, persons from that rabble with whom Mr. Hastings was concerned, both before and since, in various transactions and negotiations of the most criminal kind. But the law took its course. I have nothing more to say than that the man is gone—hanged justly if you please; and that it did so happen luckily for Mr. Hastings—it so happened that the relief of Mr. Hastings and the justice of the court, and the resolution never to relax its rigor, did all concur just at a happy nick of time and moment; and Mr. Hastings accordingly had the full benefit of them all.

His accuser was supposed to be what men may be, and yet very competent for accusers—namely, one of his accomplices in guilty actions; one of those persons who may have a great deal to say of bribes. All that I contend for is, that he was in the closest intimacy with Mr. Hastings, was in a situation for giving bribes; and that Mr. Hastings was proved afterward to have received a sum of money from him, which may be well referred to bribes.

This example had its use in the way in which it was intended to operate, and in which alone it could operate. It did not discourage forgeries; they went on at their usual rate, neither more nor less. But it put an end to all accusations against all persons in power for any corrupt practice. Mr. Hastings observes that no man in India complains of him. It is generally true. The voice of all India is stopped. All complaint was strangled with the same cord that strangled Nundcomar. This murdered not only that accuser, but all future accusation; and not only

defeated but totally vitiated and reversed all the ends for which this country, to its eternal and indelible dishonor, had sent out a pompous embassy of justice to the remotest parts of the globe.

But though Nundcomar was put out of the way by the means by which *he* was removed, a part of the charge was not strangled with him. While the process against Nundcomar was carrying on before Sir Elijah Impey, the process was continuing against Mr. Hastings in other modes; the receipt of a part of those bribes from Munny Begum, to the amount of £15,000, was proved against him; and that a sum, to the same amount, was to be paid to his associate, Mr. Middleton, as it was proved at Calcutta, so it will be proved at your lordships' bar to your entire satisfaction, by records and living testimony now in England. It was indeed obliquely admitted by Mr. Hastings himself.

The excuse for this bribe, fabricated by Mr. Hastings, and taught to Munny Begum, when he found that she was obliged to prove it against him, was, that it was given to him for his entertainment, according to some pretended custom, at the rate of £200 sterling a day, while he remained at Moorshedabad. My lords, this leads me to a few reflections on the apology or defence of this bribe. We shall certainly, I hope, render it clear to your lordships that it was not paid in this manner as a daily allowance, but given in a gross sum. But, take it in his own way, it was no less illegal, and no less contrary to his covenant; but if true under the circumstances it was a horrible aggravation of his crime. The first thing that strikes is that visits from Mr. Hastings are pretty severe things; and hospitality at Moorshedabad is an expensive

virtue, though for provision it is one of the cheapest countries in the universe. No wonder that Mr. Hastings lengthened his visit, and made it extend to near three months. Such hosts and such guests cannot be soon parted. Two hundred pounds a day for a visit! it is at the rate of £73,000 a year for himself; and as I find his companion was put on the same allowance, it will be £146,000 a year for hospitality to two English gentlemen.

I believe that there is not a prince in Europe who goes to such expensive hospitality of splendor. But, that you may judge of the true nature of this hospitality of corruption, I must bring before you the business of the visitor and the condition of the host, as stated by Mr. Hastings himself, who best knows what he was doing.

He was then at the old capital of Bengal, at the time of this expensive entertainment, on a business of retrenchment, and for the establishment of a most harsh, rigorous, and oppressive economy. He wishes the task were assigned to spirits of a less gentle kind. By Mr. Hastings' account, he was giving daily and hourly wounds to his humanity in depriving of their sustenance hundreds of persons of the ancient nobility of a great fallen kingdom. Yet it was in the midst of this galling duty, it was at that very moment of his tender sensibility, that from the collected morsels plucked from the famished mouths of hundreds of decayed, indigent, and starving nobility he gorged his ravenous maw with £200 a day for his entertainment. In the course of all this proceeding your lordships will not fail to observe, he is never corrupt, but he is cruel: he never dines with comfort, but where he is sure to create a famine. He never robs from the loose superfluity of standing greatness; he

devours the fallen, the indigent, the necessitous. His extortion is not like the generous rapacity of the princely eagle, who snatches away the living struggling prey: he is a vulture, who feeds upon the prostrate, the dying, and the dead. As his cruelty is more shocking than his corruption, so his hypocrisy has something more frightful than his cruelty. For while his bloody and rapacious hand signs proscriptions, and now sweeps away the food of the widow and the orphan, his eyes overflow with tears, and he converts the healing balm, that bleeds from wounded humanity, into a rancorous and deadly poison to the race of man.

Well, there was an end to this tragic entertainment, this feast of Tantalus. The few left on the pension list, the poor remnants that had escaped, were they paid by his administratrix and deputy Munny Begum? Not a shilling. No fewer than forty-nine petitions, mostly from the widows of the greatest and most splendid houses of Bengal, came before the council, praying in the most deplorable manner for some sort of relief out of the pittance assigned them. His colleagues, General Clavering, Colonel Monson, and Mr. Francis—men who, when England is reproached for the government of India, will, I repeat it, as a shield be held up between this nation and infamy—did, in conformity to the strict orders of the directors, appoint Mahomed Reza Khan to his old offices —that is, to the general superintendency of the household and the administration of justice—a person who by his authority might keep some order in the ruling family and in the state. The court of directors authorized them to assure those offices to him, with a salary reduced indeed to £30,000 a year, during his good behavior. But Mr. Hast-

ings, as soon as he obtained a majority by the death of the two best men ever sent to India, notwithstanding the orders of the court of directors, in spite of the public faith solemnly pledged to Mahomed Reza Khan, without a shadow of complaint, had the audacity to dispossess him of all his offices, and appoint his bribing patroness, the old dancing-girl, Munny Begum, once more to the viceroyalty and all its attendant honors and functions.

The pretence was more insolent and shameless than the act. Modesty does not long survive innocence. He brings forward the miserable pageant of the Nabob, as he called him, to be the instrument of his own disgrace, and the scandal of his family and government. He makes him to pass by his mother, and to petition us to appoint Munny Begum once more to the administration of the viceroyalty. He distributed Mahomed Reza Khan's salary as a spoil.

When the orders of the court to restore Mahomed Reza Khan, with their opinion on the corrupt cause of his removal, and a second time to pledge to him the public faith for his continuance, were received, Mr. Hastings, who had been just before a pattern of obedience, when the despoiling, oppressing, imprisoning, and persecuting this man was the object, yet when the order was of a beneficial nature, and pleasant to a well-formed mind, he at once loses all his old principles, he grows stubborn and refractory, and refuses obedience. And in this sullen, uncomplying mood he continues, until, to gratify Mr. Francis in an agreement on some of their differences, he consented to his proposition of obedience to the appointment of the court of directors. He grants to his arrangement of convenience what he had refused

to his duty and replaces that magistrate. But mark the double character of the man, never true to anything but fraud and duplicity. At the same time that he publicly replaces this magistrate, pretending compliance with his colleague and obedience to his masters, he did, in defiance of his own and the public faith, privately send an assurance to the Nabob, that is to Munny Begum, informing her that he was compelled by necessity to the present arrangement in favor of Mahomed Reza Khan; but that on the first opportunity he would certainly displace him again. And he kept faith with his corruption: and to show how vainly any one sought protection in the lawful authority of this kingdom, he displaced Mahomed Reza Khan from the lieutenancy and controllership, leaving him only the judicial department miserably curtailed.

But does he adhere to his old pretence of freedom to the Nabob? No such thing. He appoints an absolute master to him under the name of resident, a creature of his personal favor, Sir J. Doiley, from whom there is not one syllable of correspondence, and not one item of account. How grievous this yoke was to that miserable captive appears by a paper of Mr. Hastings, in which he acknowledges that the Nabob had offered, out of the £160,000 payable to him yearly, to give up to the Company no less than £40,000 a year, in order to have the free disposal of the rest. On this all comment is superfluous. Your lordships are furnished with a standard by which you may estimate his real receipt from the revenue assigned to him, the nature of the pretended residency, and its predatory effects. It will give full credit to what was generally rumored and believed, that substantially and beneficially

the Nabob never received £50 out of the £160,000; which will account for his known poverty and wretchedness, and that of all about him.

Thus by his corrupt traffic of bribes with one scandalous woman he disgraced and enfeebled the native Mohammedan government, captived the person of the sovereign, and ruined and subverted the justice of the country. What is worse, the steps taken for the murder of Nundcomar, his accuser, have confirmed and given sanction not only to the corruptions then practiced by the Governor-General, but to all of which he has since been guilty. This will furnish your lordships with some general idea, which will enable you to judge of the bribe for which he sold the country government.

Under this head you will have produced to you full proof of his sale of a judicial office to a person called Khan Johan Khan, and the modes he took to frustrate all inquiry on that subject upon a wicked and false pretence, that according to his religious scruples he could not be sworn.

The great end and object I have in view is to show the criminal tendency, the mischievous nature, of these crimes, and the means taken to elude their discovery. I am now giving your lordships that general view, which may serve to characterize Mr. Hastings' administration in all the other parts of it.

It was not true, in fact (as Mr. Hastings gives out), that there was nothing now against him, and that when he had got rid of Nundcomar and his charge he got rid of the whole. No such thing. An immense load of charges of bribery remained. They were coming afterward from every part of the province; and there was no

office in the execution of justice which he was not accused of having sold in the most flagitious manner.

After all this thundering the sky grew calm and clear, and Mr. Hastings sat with recorded peculation, with peculation proved upon oath on the minutes of that very council—he sat at the head of that council and that board where his peculations were proved against him. These were afterward transmitted, and recorded in the registers of his masters, as an eternal monument of his corruption, and of his high disobedience, and flagitious attempts to prevent a discovery of the various peculations of which he had been guilty, to the disgrace and ruin of the country committed to his care.

Mr. Hastings, after the execution of Nundcomar, if he had intended to make even a decent and commonly sensible use of it, would naturally have said, this man is justly taken away, who has accused me of these crimes; but as there are other witnesses, as there are other means of a further inquiry, as the man is gone of whose perjuries I might have reason to be afraid, let us now go into the inquiry. I think he did very ill not to go into the inquiry when the man was alive; but be it so, that he was afraid of him and waited till he was removed, why not afterward go into such an inquiry? Why not go into an inquiry of all the other peculations and charges upon him, which were innumerable, one of which I have just mentioned in particular, the charge of Munny Begum—of having received from her, or her adopted son, a bribe of £40,000.

Is it fit for a governor to say—will Mr. Hastings say before this august assembly—I may be accused in a court of justice, I am upon my defence; let all charges remain against me, I will not give you an account? Is it fit that a gover-

nor should sit with recorded bribery upon him at the head of a public board and the government of a great kingdom, when it is in his power by inquiry to do it away? No; the chastity of character of a man in that situation ought to be as dear to him as his innocence. Nay, more depended upon it. His innocence regarded himself; his character regarded the public justice, regarded his authority, and the respect due to the English in that country. I charge it upon him that not only did he suppress the inquiry to the best of his power (and it shall be proved), but he did not in any one instance endeavor to clear off that imputation and reproach from the English government. He went further, he never denied hardly any of those charges at the time. They are so numerous that I cannot be positive; some of them he might meet with some sort of denial, but the most part he did not.

The first thing a man under such an accusation owes to the world is to deny the charge; next to put it to the proof; and lastly to let inquiry freely go on. He did not permit this, but stopped it all in his power. I am to mention some exceptions perhaps hereafter, which will tend to fortify the principle tenfold.

He promised indeed the court of directors (to whom he never denied the facts) a full and liberal explanation of these transactions; which full and liberal explanation he never gave. Many years passed; even Parliament took notice of it; and he never gave them a liberal explanation, or any explanation at all, of them. A man may say, I am threatened with a suit in a court, and it may be very disadvantageous to me if I disclose my defence. That is a proper answer for a man in common life, who has no particular character to sustain; but is that a proper answer

for a governor accused of bribery? that accusation transmitted to his masters, and his masters giving credit to it? Good God! is that a state in which a man is to say, I am upon the defensive? I am on my guard? I will give you no satisfaction? I have promised it, but I have already deferred it for seven or eight years? Is not this tantamount to a denial?

Mr. Hastings, with this great body of bribery against him, was providentially freed from Nundcomar, one of his accusers; and as good events do not come alone (I think there is some such proverb), it did so happen that all the rest, or a great many of them, ran away. But, however, the recorded evidence of the former charges continued; so new evidence came in; and Mr. Hastings enjoyed that happy repose which branded peculation, fixed and eternized upon the records of the Company, must leave upon a mind conscious of its own integrity.

My lords, I will venture to say, there is no man but owes something to his character. It is the grace, undoubtedly, of a virtuous, firm mind often to despise common, vulgar calumny; but if ever there is an occasion in which it does become such a mind to disprove it, it is the case of being charged in high office with pecuniary malversation, pecuniary corruption. There is no case in which it becomes an honest man—much less a great man—to leave upon record specific charges against him of corruption in his government, without taking any one step whatever to refute them.

Though Mr. Hastings took no step to refute the charges, he took many steps to punish the authors of them; and those miserable people who had the folly to make complaints against Mr. Hastings, to make them under the au-

thority of an act of Parliament, under every sanction of public faith, yet in consequence of those charges every person concerned in them has been, as your lordships will see, since his restoration to power, absolutely undone; brought from the highest situation to the lowest misery; so that they may have good reason to repent they ever trusted an English council, that they ever trusted a court of directors, that they ever trusted an English act of Parliament, that they ever dared to make their complaints.

And here I charge upon Mr. Hastings, that by never taking a single step to defeat or detect the falsehood of any of those charges against him, and by punishing the authors of them, he has been guilty of such a subversion of all the principles of British government as will deserve and will, I dare say, meet your lordships' most severe animadversion.

In the course of this inquiry we find a sort of pause in his peculations, a sort of gap in the history, as if pages were torn out. No longer we meet with the same activity in taking money that was before found; not even a trace of complimentary presents is to be found in the records during the time while General Clavering, Colonel Monson, and Mr. Francis formed the majority of the council. There seems to have been a kind of truce with that sort of conduct for a while, and Mr. Hastings rested upon his arms. However, the very moment Mr. Hastings returned to power, peculation began again just at the same instant; the moment we find him free from the compulsion and terror of a majority of persons otherwise disposed than himself, we find him at his peculation again.

My lords, at this time very serious inquiries had begun in the House of Commons concerning peculation. They

did not go directly to Bengal, but they began upon the coast of Coromandel, and with the principal governors there. There was, however, a universal opinion (and justly founded) that these inquiries would go to far greater lengths. Mr. Hastings was resolved then to change the whole course and order of his proceeding. Nothing could persuade him upon any account to lay aside his system of bribery; that he was resolved to persevere in. The point was now to reconcile it with his safety. The first thing he did was to attempt to conceal it, and accordingly we find him depositing very great sums of money in the public treasury through the means of the two persons I have already mentioned, namely, the deputy-treasurer and the accountant, paying them in and taking bonds for them as money of his own, and bearing legal interest.

This was his method of endeavoring to conceal some at least of his bribes (for I would not suggest, nor have your lordships to think, that I believe that these were his only bribes; for there is reason to think there was an infinite number besides); but it did so happen that they were those bribes which he thought might be discovered, some of which he knew were discovered, and all of which he knew might become the subject of a parliamentary inquiry.

Mr. Hastings said he might have concealed them forever. Every one knows the facility of concealing corrupt transactions everywhere, in India particularly. But this is by himself proved not to be universally true, at least not to be true in his own opinion. For he tells you in his letter from Cheltenham that he *would* have concealed the Nabob's £100,000, but that the magnitude rendered it easy of discovery. He, therefore, avows an intention of concealment.

But it happens here very singularly, that this sum, which his fears of discovery by *others* obliged him to discover *himself*, happens to be one of those of which no trace whatsoever appears, except merely from the operation of his own apprehensions. There is no collateral testimony; Middleton knew nothing of it; Anderson knew nothing of it. It was not directly communicated to the faithful Larkins or the trusty Croftes—which proves indeed the facility of concealment. The fact is, you find the application always upon the discovery. But concealment or discovery is a thing of accident.

The bribes which I have hitherto brought before your lordships belong to the first period of his bribery, before he thought of the doctrine on which he has since defended it.

There are many other bribes which we charge him with having received during this first period, before an improving conversation and close virtuous connection with great lawyers had taught him how to practice bribes in such a manner as to defy detection, and instead of punishment to plead merit. I am not bound to find order and consistency in guilt; it is the reign of disorder. The order of the proceeding, as far as I am able to trace such a scene of prevarication, direct fraud, falsehood, and falsification of the public accounts, was this:—From bribes he knew he could never abstain; and his then precarious situation made him the more rapacious. He knew that a few of his former bribes had been discovered, declared, recorded; that for the moment indeed he was secure, because all informers had been punished, and all concealers rewarded. He expected hourly a total change in the council; and that men like Clavering and Monson might be again joined to

Francis; that some great avenger should arise from their ashes—"*Exoriare aliquis nostris ex ossibus ultor*"—and that a more severe investigation and an infinitely more full display would be made of his robbery than hitherto had been done. He therefore began in the agony of his guilt to cast about for some device by which he might continue his offence, if possible, with impunity—and possibly make a merit of it. He therefore first carefully perused the act of Parliament forbidding bribery, and his old covenant engaging him not to receive presents. And here he was more successful than upon former occasions. If ever an act was studiously and carefully framed to prevent bribery, it is that law of the thirteenth of the king, which, he well observes, admits no latitude of construction, no subterfuge, no escape, no evasion. Yet has he found a defence of his crimes even in the very provisions which were made for their prevention and their punishment. Besides the penalty which belongs to every informer, the East India Company was invested with a fiction of property in all such bribes, in order to drag them with more facility out of the corrupt hands which held them. The covenant, with an exception of £100, and the act of Parliament without an exception, declared that the Governor-General and council should receive no presents *for their own use*. He therefore concluded that the system of bribery and extortion might be clandestinely and safely carried on, provided the party taking the bribes had an inward intention and mental reservation that they should be privately applied to the Company's service, in any way the briber should think fit; and that on many occasions this would prove the best method of supply for the exigencies of their service.

He accordingly formed, or pretended to form, a private

bribe exchequer, collateral with, and independent of, the Company's public exchequer, though in some cases administered by those whom for his purposes he had placed in the regular official department. It is no wonder that he has taken to himself an extraordinary degree of merit. For surely such an invention of finance I believe never was heard of—an exchequer wherein extortion was the assessor, fraud the cashier, confusion the accountant, concealment the reporter, and oblivion the remembrancer: in short, such as I believe no man, but one driven by guilt into frenzy, could ever have dreamed of.

He treats the official and regular directors with just contempt, as a parcel of mean, mechanical bookkeepers. He is an eccentric bookkeeper, a Pindaric accountant. I have heard of "the poet's eye in a fine frenzy rolling." Here was a revenue, exacted from whom he pleased, at what times he pleased, in what proportions he pleased, through what persons he pleased, by what means he pleased, to be accounted for or not at his discretion, and to be applied to what service he thought proper. I do believe your lordships stand astonished at this scheme; and indeed I should be very loth to venture to state such a scheme at all, however I might have credited it myself, to any sober ears, if, in his defence before the House of Commons and before the Lords, he had not directly admitted the fact of taking the bribes or forbidden presents, and had not in those defences, and much more fully in his correspondence with the directors, admitted the fact, and justified it upon these very principles.

As this is a thing so unheard of and unexampled in the world, I shall first endeavor to account, as well as I can, for his motives to it, which your lordships will re-

ceive or reject, just as you shall find them tally with the evidence before you. I say his motives to it, because I contend that public valid reasons for it he could have none: and the idea of making the corruption of the Governor-General a resource to the Company never did or could for a moment enter into his thoughts.—I shall then take notice of the juridical constructions upon which he justifies his acting in this extraordinary manner.—And, lastly, show you the concealments, prevarications, and falsehoods, with which he endeavors to cover it. Because wherever you find a concealment you make a discovery. Accounts of money received and paid ought to be regular and official.

He wrote over to the Court of Directors that there were certain sums of money he had received, and which were not his own, but that he had received them for their use. By this time his intercourse with gentlemen of the law became more considerable than it had been before. When first attacked for presents, he never denied the receipt of them, or pretended to say they were for public purposes; but upon looking more into the covenants, and probably with better legal advice, he found that no money could be legally received for his own use; but as these bribes were directly given and received as for his own use, yet (says he) there was an inward destination of them in my own mind to your benefit, and to your benefit have I applied them.

Now here is a new system of bribery, contrary to law, very ingenious in the contrivance, but, I believe, as unlikely to produce its intended effect upon the mind of man as any pretence that was ever used. Here Mr. Hastings changes his ground. Before, he was accused

as a peculator; he did not deny the fact; he did not refund the money; he fought it off; he stood upon the defensive, and used all the means in his power to prevent the inquiry. That was the first era of his corruption—a bold, ferocious, plain, downright use of power. In the second, he is grown a little more careful and guarded—the effect of subtilty. He appears no longer as a defendant; he holds himself up with a firm, dignified, and erect countenance, and says, I am not here any longer as a delinquent, a receiver of bribes, to be punished for what I have done wrong, or at least to suffer in my character for it. No, I am a great inventive genius, who have gone out of all the ordinary roads of finance, have made great discoveries in the unknown regions of that science, and have for the first time established the corruption of the supreme magistrate as a principle of resource for government.

There are crimes, undoubtedly, of great magnitude, naturally fitted to create horror, and that loudly call for punishment, that have yet no idea of *turpitude* annexed to them; but unclean hands, bribery, venality, and peculation are offences of turpitude, such as in a governor at once debase the person and degrade the government itself, making it not only *horrible* but vile and contemptible in the eyes of all mankind. In this humiliation and abjectness of guilt he comes here not as a criminal on his defence, but as a vast fertile genius, who has made astonishing discoveries in the art of government—"*Dicam insigne, recens, alio indictum ore*"—who, by his flaming zeal and the prolific ardor and energy of his mind, has boldly dashed out of the common path, and served his country by new and untrodden ways; and now he gen-

erously communicates, for the benefit of all future governors and all future governments, the grand arcanum of his long and toilsome researches. He is the first, but if we do not take good care he will not be the last, that has established the corruption of the supreme magistrate among the settled resources of the state; and he leaves this principle as a bountiful donation, as the richest deposit that ever was made in the treasury of Bengal. He claims glory and renown from that by which every other person since the beginning of time has been dishonored and disgraced. It has been said of an ambassador that he is a person employed to tell lies for the advantage of the court that sends him. His is patriotic bribery and public-spirited corruption. He is a peculator for the good of his country. It has been said that private vices are public benefits. He goes the full length of that position, and turns his private peculation into a public good. This is what you are to thank him for. You are to consider him as a great inventor upon this occasion. Mr. Hastings improves on this principle. He is a robber in gross, and a thief in detail; he steals, he filches, he plunders, he oppresses, he exhorts—all for the good of the dear East India Company—all for the advantage of his honored masters, the proprietors—all in gratitude to the dear perfidious court of directors, who have been in a practice to heap "insults on his person, slanders on his character, and indignities on his station; who never had the confidence in him that they had in the meanest of his predecessors."

If you sanction this practice, if, after all you have exacted from the people by your taxes and public imposts, you are to let loose your servants upon them to extort by bribery and peculation what they can from them, for the

purpose of applying it to the public service only whenever they please, this shocking consequence will follow from it. If your governor is discovered in taking a bribe, he will say, What is that to you? mind your business; I intend it for the public service. The man who dares to accuse him loses the favor of the Governor-General and the India Company. They will say, the governor has been doing a meritorious action, extorting bribes for our benefit, and you have the impudence to think of prosecuting him. So that the moment the bribe is detected it is instantly turned into a merit; and we shall prove that this is the case with Mr. Hastings, whenever a bribe has been discovered.

I am now to inform your lordships that, when he made these great discoveries to the court of directors, he never tells them who gave him the money; upon what occasion he received it; by what hands; or to what purposes he applied it.

When he can himself give no account of his motives, and even declares that he cannot assign any cause, I am authorized and required to find motives for him—corrupt motives for a corrupt act. There is no one capital act of his administration that did not strongly imply corruption. When a man is known to be free from all imputation of taking money, and it becomes an established part of his character, the errors, or even crimes, of his administration ought to be, and are in general, traced to other sources. You know it is a maxim. But once convict a man of bribery in any instance, and once by direct evidence, and you are furnished with a rule of irresistible presumption that every other irregular act, by which unlawful gain may arise, is done upon the same corrupt

motive. *Semel malus præsumitur semper malus.* As for good acts, candor, charity, justice, oblige me not to assign evil motives, unless they serve some scandalous purpose, or terminate in some manifest evil end—so justice, reason and common-sense compel me to suppose that wicked acts have been done upon motives correspondent to their nature. Otherwise I reverse all the principles of judgment which can guide the human mind, and accept even the symptoms, the marks, and criteria of guilt, as presumptions of innocence. One that confounds good and evil is an enemy to the good.

His conduct upon these occasions may be thought irrational. But, thank God, guilt was never a rational thing; it distorts all the faculties of the mind, it perverts them, it leaves a man no longer in the free use of his reason; it puts him into confusion. He has recourse to such miserable and absurd expedients for covering his guilt, as all those who are used to sit in the seat of judgment know have been the cause of detection of half the villanies in the world. To argue that these could not be his reasons, because they were not wise, sound, and substantial, would be to suppose, what is not true, that bad men were always discreet and able. But I can very well from the circumstances discover motives, which may affect a giddy, superficial, shattered, guilty, anxious, restless mind, full of the weak resources of fraud, craft, and intrigue, that might induce him to make these discoveries, and to make them in the manner he has done. Not rational and well-fitted for their purposes, I am very ready to admit. For God forbid that guilt should ever leave a man the free, undisturbed use of his faculties. For as guilt never rose from a true use of our rational faculties, so it is very frequently sub-

versive of them. God forbid that prudence, the first of all the virtues, as well as the supreme director of them all, should ever be employed in the service of any of the vices. No; it takes the lead, and is never found where justice does not accompany it; and, if ever it is attempted to bring it into the service of the vices, it immediately subverts their cause. It tends to their discovery, and, I hope and trust, finally to their utter ruin and destruction.

In the first place I am to remark to your lordships that the accounts he has given of one of these sums of money are totally false and contradictory. Now there is not a stronger presumption, nor can one want more reason, to judge a transaction fraudulent, than that the accounts given of it are contradictory; and he has given three accounts utterly irreconcilable with each other. He is asked, How came you to take bonds for this money if it was not your own? How came you to vitiate and corrupt the state of the Company's records, and to state yourself a lender to the Company, when, in reality, you was their debtor? His answer was, I really cannot tell; I have forgot my reasons; the distance of time is so great (namely, a time of about two years, or not so long), I cannot give an account of the matter; perhaps I had this motive; perhaps I had another (but what is the most curious); perhaps I had none at all which I can now recollect. You shall hear the account which Mr. Hastings himself gives, his own fraudulent representation of these corrupt transactions. "For my motives for withholding the several receipts from the knowledge of the council or of the court of directors, and for taking bonds for part of these sums, and paying others into the treasury as deposits on my own account, I have generally accounted in my letter to

the honorable the court of directors of the 22d of May, 1782, namely, that I either chose to conceal the first receipts from public curiosity by receiving bonds for the amount, or possibly acted without any studied design which my memory, at that distance of time, could verify; and that I did not think it worth my care to observe the same means with the rest. It will not be expected that I should be able to give a more correct explanation of my intentions after a lapse of three years, having declared at the time that many particulars had escaped my remembrance; neither shall I attempt to add more than the clearer affirmation of the facts implied in that report of them, and such inferences as necessarily or with a strong probability follow them."

My lords, you see, as to any direct explanation, that he fairly gives it up: he has used artifice and stratagem, which he knows will not do; and at last attempts to cover the treachery of his conduct by the treachery of his memory. Frequent applications were made to Mr. Hastings upon this article from the Company—gentle hints, *gemitus columbæ*—rather little amorous complaints that he was not more open and communicative; but all these gentle insinuations were never able to draw from him any further account till he came to England. When he came here, he left not only his memory, but all his notes and references, behind in India. When in India, the Company could get no account of them, because he himself was not in England; and when he was in England, they could get no account, because his papers were in India. He then sends over to Mr. Larkins to give that account of his affairs which he was not able to give himself. Observe, here is a man taking money privately, corruptly, and

which was to be sanctified by the future application of it, taking false securities to cover it; and who, when called upon to tell whom he got the money from, for what ends, and on what occasion, neither will tell in India, nor can tell in England, but sends for such an account as he has thought proper to furnish.

I am now to bring before you an account of what I think much the most serious part of the effects of his system of bribery, corruption, and peculation. My lords, I am to state to you the astonishing and almost incredible means he made use of to lay all the country under contribution, to bring the whole into such dejection as should put his bribes out of the way of discovery. Such another example of boldness and contrivance I believe the world cannot furnish.

I have already shown among the mass of his corruptions, that he let the whole of the lands to farm to the banyans. Next, that he sold the whole Mohammedan government of that country to a woman. This was bold enough, one should think; but without entering into the circumstances of the revenue change, in 1772, I am to tell your lordships that he had appointed six provincial councils, each consisting of many members, who had the ordinary administration of civil justice in that country, and the whole business of the collection of the revenues.

These provincial councils accounted to the Governor-General and council, who in the revenue department had the whole management, control, and regulation of the revenue. Mr. Hastings did in several papers to the court of directors declare that the establishment of these provincial councils, which at first he stated only as experimental, had proved useful in the experiment. And on that use,

and upon that experiment, he had sent even the plan of an act of Parliament, to have it confirmed with the last and most sacred authority of this country. The court of directors desired, that, if he thought any other method more proper, he would send it to them for their approbation.

Thus the whole face of the British government, the whole of its order and constitution, remained from 1772 to 1781. He had got rid, some time before this period, by death, of General Clavering; by death, of Colonel Monson; and by vexation and persecution, and his consequent dereliction of authority, he had shaken off Mr. Francis. The whole council consisting only of himself and Mr. Wheler, he, having the casting vote, was in effect the whole council; and if ever there was a time when principle, decency, and decorum rendered it improper for him to do any extraordinary acts without the sanction of the court of directors, that was the time. Mr. Wheler was taken off, despair perhaps rendering the man, who had been in opposition futilely before, compliable. The man is dead. He certainly did not oppose him; if he had, it would have been in vain. But those very circumstances, which rendered it atrocious in Mr. Hastings to make any change, induced him to make this.—He thought that a moment's time was not to be lost—that other colleagues might come where he might be overpowered by a majority again, and not able to pursue his corrupt plans. Therefore he was resolved—your lordships will remark the whole of this most daring and systematic plan of bribery and peculation—he resolved to put it out of the power of his council in future to check or control him in any of his evil practices.

The first thing he did was to form an ostensible council at Calcutta for the management of the revenues, which was not effectually bound, except it thought fit, to make any reference to the supreme council. He delegated to them—that is, to four covenanted servants—those functions which, by act of Parliament and the Company's orders, were to be exercised by the council general; he delegated to four gentlemen, creatures of his own, his own powers, but he laid them out to good interest. It appears odd that one of the first acts of a Governor-General, so jealous of his power as he is known to be, as soon as he had all the power in his own hands, should be to put all the revenues out of his own control. This upon the first view is an extraordinary proceeding. His next step was, without apprising the court of directors of his intention, or without having given an idea of any such intention to his colleagues while alive, either those who died in India or those who afterward returned to Europe in one day, in a moment to annihilate the whole authority of the provincial councils, and delegate the whole power to these four gentlemen. These four gentlemen had for their secretary an agent given them by Mr. Hastings; a name that you will often hear of—a name at the sound of which all India turns pale—the most wicked, the most atrocious, the boldest, the most dexterous villain that ever the rank servitude of that country has produced. My lords, I am speaking with the most assured freedom, because there never was a friend of Mr. Hastings, there never was a foe of Mr. Hastings, there never was any human person that ever differed on this occasion, or expressed any other idea of Gunga Govin Sing, the friend of Mr. Hastings, whom he intrusted with this important post. But you shall hear

from the account given by themselves what the council thought of their functions, of their efficiency for the charge, and in whose hands that efficiency really was. I beg, hope, and trust, that your lordships will learn from the persons themselves who were appointed to execute the office their opinion of the real execution of it, in order that you may judge of the plan for which he destroyed the whole English administration in India. "The committee must have a dewan, or executive officer, call him by what name you please. This man in fact has all the revenue paid at the presidency at his disposal, and can, if he has any abilities, bring all the renters under contribution. It is little advantage to restrain the committee themselves from bribery or corruption, when their executive officer has the power of practicing both undetected.

"To display the arts employed by a native on such occasions would fill a volume. He discovers the secret resources of the zemindars and renters, their enemies and competitors; and by the engines of hope and fear, raised upon these foundations, he can work them to his purpose. The committee, with the best intentions, best abilities, and steadiest application, must after all be a tool in the hands of their dewan."

Your lordships see what the opinion of the council was of their own constitution. You see for what it was made. You see for what purposes the great revenue-trust was taken from the council general, from the supreme government. You see for what purposes the executive power was destroyed. You have it from one of the gentlemen of this commission, at first four in number, and afterward five, who was the most active efficient member of it. You see it was made for the purpose of being a tool in the

hands of Gunga Govin Sing; that integrity, ability, and vigilance could avail nothing; that the whole country might be laid under contribution by this man, and that he could thus practice bribery with impunity. Thus, your lordships see, the delegation of all the authority of the country, above and below, is given by Mr. Hastings to this Gunga Govin Sing. The screen, the veil spread before this transaction, is torn open by the very people themselves who are the tools in it. They confess they can do nothing; they know they are instruments in the hands of Gunga Govin Sing; and Mr. Hastings uses his name and authority to make them such in the hands of the basest, the wickedest, the corruptest, the most audacious and atrocious villain ever heard of. It is to him all the English authority is sacrificed, and four gentlemen are appointed to be his tools and instruments.—Tools and instruments for what? They themselves state, that, if he has the inclination, he has the power and ability, to lay the whole country under contribution; that he enters into the most minute secrets of every individual in it, gets into the bottom of their family affairs, and has a power totally to subvert and destroy them; and we shall show upon that head that he well fulfilled the purposes for which he was appointed. Did Mr. Hastings pretend to say, that he destroyed the provincial councils for their corruptness or insufficiency, when he dissolved them? No; he says he has no objection to their competency, no charge to make against their conduct, but that he has destroyed them for his new arrangement. And what is his new arrangement? Gunga Govin Sing. Forty English gentlemen were removed from their offices by that change. Mr. Hastings did it, however, very economically; for all

these gentlemen were instantly put upon pensions, and consequently burdened the establishment with a new charge. Well, but the new council was formed and constituted upon a very economical principle also. These five gentlemen, you will have it in proof, with the necessary expenses of their office, were a charge of £62,000 a year upon the establishment. But for great, eminent, capital services, £62,000, though a much larger sum than what was thought fit to be allowed for the members of the supreme council itself, may be admitted. I will pass it. It shall be granted to Mr. Hastings that these pensions, though they created a new burden on the establishment, were all well disposed, provided the council did their duty. But you have heard what they say themselves—they are not there put to do any duty, they can do no duty; their abilities, their integrity avail them nothing—they are tools in the hands of Gunga Govin Sing. Mr. Hastings then has loaded the revenue with £62,000 a year, to make Gunga Govin Sing master of the kingdom of Bengal, Bahar, and Orissa. What must the thing to be moved be, when the machinery, when the necessary tools for Gunga Govin Sing, have cost £62,000 a year to the Company? There it is—it is not my representation—not the representation of observant strangers, of good and decent people, that understand the nature of that service, but the opinion of the tools themselves.

Now, did Mr. Hastings employ Gunga Govin Sing without a knowledge of his character? His character was known to Mr. Hastings; it was recorded long before, when he was turned out of another office. During my long residence, says he, in this country, this is the first time I heard of the character of Gunga Govin Sing

being infamous. No information I have received, though I have heard *many* people speak ill of him, ever pointed to any particular *act* of infamy committed by Gunga Govin Sing. I have no intimate knowledge of Gunga Govin Sing. What I understood of his character has been from Europeans as well as natives. After—"He had many enemies at the time he was proposed to be employed in the Company's service, and not *one advocate* among the natives who had immediate access to myself. I think, therefore, if his character had been such as has been described, the knowledge of it could hardly have failed to have been ascertained to me by the *specific* facts. I have heard him loaded, as I have many others, with general reproaches, but have never heard any one express a doubt *of his abilities.*"

Now, if anything in the world should induce you to put the whole trust of the revenues of Bengal, both above and below, into the hands of a single man, and to delegate to him the whole jurisdiction of the country, it must be that he either was, or at least was reputed to be, a man of integrity. Mr. Hastings does not pretend that he is reputed to be a man of integrity. He knew that he was not able to contradict the charge brought against him; and that he had been turned out of office by his colleagues, for reasons assigned upon record, and approved by the directors—for malversation in office. He had, indeed, crept again into the Calcutta committee; and they were upon the point of turning him out for malversation, when Mr. Hastings saved them the trouble by turning out the whole committee, consisting of a president and five members. So that in all times, in all characters, in all places, he stood as a man of a

bad character and evil repute, though supposed to be a man of great abilities.

My lords, permit me for one moment to drop my representative character here, and to speak to your lordships only as a man of some experience in the world, and conversant with the affairs of men, and with the characters of men.

I do then declare my conviction, and wish it may stand recorded to posterity, that there never was a *bad man* that had ability for *good service.* It is not in the nature of such men; their minds are so distorted to selfish purposes, to knavish, artificial, and crafty means of accomplishing those selfish ends, that, if put to any good service, they are poor, dull, helpless. Their natural faculties never have that direction—they are paralytic on that side—the muscles, if I may use the expression, that ought to move it are all dead. They know nothing, but how to pursue selfish ends by wicked and indirect means. No man ever knowingly employed a bad man on account of his abilities, but for evil ends. Mr. Hastings knew this man to be bad; all the world knew him to be bad; and how did he employ him? In such a manner as that he might be controlled by others? A great deal might be said for him, if this had been the case. There might be circumstances in which such a man might be used in a subordinate capacity. But who ever thought of putting such a man virtually in possession of the whole authority both of the committee and the council general, and of the revenues of the whole country?

As soon as we find Gunga Govin Sing here, we find him employed in the way in which he was meant to be employed; that is to say, we find him employed in taking

corrupt bribes and corrupt presents for Mr. Hastings. Though the committee were tools in his hands, he was a tool in the hands of Mr. Hastings; for he had, as we shall prove, constant, uniform, and close communications with Mr. Hastings. Indeed, we may be saved a good deal of the trouble of proof; for Mr. Hastings himself, by acknowledging him to be his bribe-broker, has pretty well authenticated a secret correspondence between them. For the next great bribe as yet discovered to be taken by Mr. Hastings, about the time of his great operation of 1781, was the bribe of £40,000, which we charge to have been privately taken from one of two persons, but from which is not yet ascertained, but paid to him through this flagitious black agent of his iniquities, Gunga Govin Sing. The discovery is made by another agent of his, called Mr. Larkins, one of his white bribe confidants, and by him made accountant-general to the supreme presidency. For this sum, so clandestinely and corruptly taken, he received a bond to himself, on his own account, as for money lent to the Company. For, upon the frequent, pressing, tender solicitations of the court of directors, always insinuated to him in a very delicate manner, Mr. Hastings had written to Mr. Larkins to find out, if he could, some of his own bribes; and accordingly Mr. Larkins sent over an account of various bribes; an account which, even before it comes directly in evidence before you, it will be pleasant to your lordships to read. In this account, under the head *Dinagepore*, *No. 1*, I find, "Duplicate copy of the particulars of debts, in which the component parts of sundry sums received on the account of the Honorable Company of Merchants trading to the East Indies were received by Mr. Hastings, and paid to

the sub-treasurer." We find here, *Dinagepore peshcush, four lacs of rupees—cabuleat*, that is, an agreement to pay four lacs of rupees, of which three were received, and one remained in balance at the time this account was made out. All that we can learn from this account, after all our researches, after all the court of directors could do to squeeze it out of him, is—that he received from Dinagepore, at twelve monthly payments, a sum of about three lacs of rupees, upon an engagement to pay him four—that is, he received about £30,000 out of £40,000 which was to be paid him; and we are told that he received this sum through the hands of Gunga Govin Sing; and that he was exceedingly angry with Gunga Govin Sing for having kept back or defrauded him of the sum of £10,000 out of the £40,000. To keep back from him the fourth part of the whole bribe was very reprehensible behavior in Gunga Govin Sing, certainly very unworthy of the great and high trust which Mr. Hastings reposed in his integrity. My lords, this letter tells us Mr. Hastings was much irritated at Gunga Govin Sing. You will hereafter see how Mr. Hastings behaves to persons against whom he is irritated for their frauds upon him in their joint concerns. In the meantime Gunga Govin Sing rests with you as a person with whom Mr. Hastings is displeased on account of infidelity in the honorable trust of bribe-undertaker and manager.

My lords, you are not very much enlightened, I believe, by seeing these words *Dinagepore peshcush.* We find a province, we find a sum of money, we find an agent, and we find a receiver. The *province* is *Dinagepore*, the *agent* is *Gunga Govin Sing*, the *sum* agreed on is £40,000, and the *receiver* of a part of that is *Mr.*

Hastings. This is all that can be seen. Who it was that gave this sum of money to Mr. Hastings in this manner does no way appear—it is *murder by persons unknown;* and this is the way in which Mr. Hastings, after all the reiterated solicitations of Parliament, of the Company, and the public, has left the account of this bribe.

Let us, however, now see what was the state of transactions at Dinagepore at that period. For if Mr. Hastings, in the transactions at that period, did anything for that country, it must be presumed this money was given for those acts; for Mr. Hastings confesses it was a sum of money corruptly received, but honestly applied. It does not signify much, at first view, from whom he received it; it is enough to fix upon him that he did receive it. But because the consequences of his bribes make the main part of what I intend to bring before your lordships, I shall beg to state to you, with your indulgence, what I have been able to discover by a very close investigation of the records respecting this business of Dinagepore.

Dinagepore, Rungpore, and Edrackpore make a country, I believe, pretty nearly as large as all the northern counties of England, Yorkshire included; it is no mean country, and it has a prince of great, ancient, illustrious descent at the head of it, called the Rajah of Dinagepore.

I find that, about the month of July, 1780, the Rajah of Dinagepore after a long and lingering illness died, leaving a half brother and an adopted son. A litigation respecting the succession instantly arose in the family; and this litigation was of course referred to, and was finally to be decided by, the Governor-General in council—being the ultimate authority to which the decision of all these questions was to be referred. This cause came before Mr.

Hastings, and I find that he decided the question in favor of the adopted son of the Rajah against his half brother. I find that upon that decision a rent was settled, and a peshcush, or fine, paid.—So that all that is in this transaction is fair and above-board; there is a dispute settled; there is a fine paid; there is a rent reserved to the Company; and the whole is a fair settlement. But I find along with it very extraordinary acts; for I find Mr. Hastings taking part in favor of the minor, agreeably to the principles of others, and contrary to his own. I find that he gave the guardianship of this adopted son to the brother of the Rannee, as she is called, or the widow of the deceased Rajah; and though the hearing and settling of this business was actually a part of the duty of his office, yet I find that, when the steward of the province of Dinagepore was coming down to represent this case to Mr. Hastings, Mr. Hastings, on pretence that it would only tend to increase the family dissensions, so far from hearing fully all the parties in this business, not only sent him back, but ordered him to be actually turned out of his office. If then the £40,000 be the same with the money taken from the Rajah in 1780, to which account it seems to refer (for it was taken in regular payments, beginning July, 1780, and ending at the same period in 1781), it was a sum of money corruptly taken by him as a judge in a litigation of inheritance between two great parties. So that he received the sum of £40,000 for a judgment; which, whether that judgment was right or wrong, true or false, he corruptly received.

This sum was received, as your lordships will observe, through Gunga Govin Sing. He was the broker of the agreement; he was the person who was to receive it by

monthly instalments, and he was to pay it to Mr. Hastings.—His son was in the office of register-general of the whole country, who had in his custody all the papers, documents, and everything which could tend to settle a litigation among the parties.

If Mr. Hastings took this bribe from the Rajah of Dinagepore, he took a bribe from an infant of five years old through the hands of the register. That is, the judge receives a bribe through the hands of the keeper of the genealogies of the family, the records, and other documents, which must have had the principal share in settling the question.

This history of this Dinagepore peshcush is the public one received by the Company, and which is entered upon the record—but not the private, and probably the true, history of this corrupt transaction.

Very soon after this decision, very soon after this peshcush was given, we find all the officers of the young Rajah, who was supposed to have given it, turned out of their employment by Gunga Govin Sing, by the very man who received the peshcush for Mr. Hastings. We find them all turned out of their employments: we find them all accused, without any appearance or trace in the records of any proof of embezzlement, of neglect in the education of the minor Rajah, of the mismanagement of his affairs, or the allotment of an unsuitable allowance. And accordingly to prevent the relations of his adopted mother—to prevent those who might be supposed to have an immediate interest in the family—from abusing the trust of his education, and the trust of the management of his fortune, Gunga Govin Sing—(for I trust your lordships would not suffer me, if I had a mind, to quote that tool of a thing

the committee of revenue, bought at £62,000 a year, you would not suffer me to name it, especially when you know all the secret agency of bribes in the hand of Gunga Govin Sing)—this Gunga Govin Sing produces soon after another character, to whom he consigns the custody of the whole family and the whole province.

I will do Mr. Hastings the justice to say, that, if he had known there was another man more accomplished in all iniquity than Gunga Govin Sing, he would not have given him the first place in his confidence. But there is another next to him in the country, whom you are to hear of by and by, called Debi Sing. This person, in the universal opinion of all Bengal, is ranked next to Gunga Govin Sing; and, what is very curious, they have been recorded by Mr. Hastings as rivals in the same virtues.

Arcades ambo,
Et cantare pares, et respondere parati.

But Mr. Hastings has the happiest modes in the world; these rivals were reconciled on this occasion, and Gunga Govin Sing appoints Debi Sing, superseding all the other officers for no reason whatever upon record. And because like champions they ought to go in pairs, there is an English gentleman, one Mr. Goodlad, whom you will hear of presently, appointed along with him. Absolute strangers to the Rajah's family, the first act they do is—to cut off 1,000 out of 1,600 a month from his allowance. They state (though there was a great number of dependants to maintain) that 600 would be enough to maintain him. There appears in the account of these proceedings to be such a flutter about the care of the Rajah, and the management of his household; in short, that there never was such

a tender guardianship as, always with the knowledge of Mr. Hastings, is exercised over this poor Rajah, who had just given, if he did give, £40,000 for *his own* inheritance, if it was his due—for the inheritance of *others*, if it was not his due. One would think he was entitled to some mercy; but probably, because the money could not otherwise be supplied, his establishment was cut down by Debi Sing and Mr. Goodlad a thousand a month, which is just twelve thousand a year.

When Mr. Hastings had appointed those persons to the guardianship, who had an interest in the management of the Rajah's education and fortune, one should have thought, before they were turned out, he would at least have examined whether such a step was proper or not. No; they were turned out without any such examination; and when I come to inquire into the proceedings of Gunga Govin Sing's committee, I do not find that the new guardians have brought to account one single shilling they received, appointed as they were by that council newly made to superintend all the affairs of the Rajah.

There is not one word to be found of an account: Debi Sing's honor, fidelity, and disinterestedness, and that of Mr. Goodlad, is sufficient; and that is the way in which the management and superintendence of one of the greatest houses in that country is given to the guardianship of strangers. And how is it managed? We find Debi Sing in possession of the Rajah's family, in possession of his affairs, in the management of his whole zemindary; and in the course of the next year he is to give him in farm the whole of the revenues of these three provinces. Now whether the peshcush was received for the nomination of the Rajah, as a bribe in judgment, or whether Mr. Hastings

got it from Debi Sing, as a bribe in office, for appointing him to the guardianship of a family that did not belong to him, and for the dominion of three great and once wealthy provinces—which is best or worst I shall not pretend to determine. You find the Rajah in his possession. You find his education, his household in his possession. The public revenues are in his possession; they are given over to him.

If we look at the records, the letting of these provinces appears to have been carried on by the new committee of revenue, as the course and order of business required it should. But by the investigation into Mr. Hastings' money transactions, the insufficiency and fallacy of these records is manifest beyond a doubt. From this investigation it is discovered, that it was in reality a bargain secretly struck between the Governor-General and Debi Sing; and that the committee were only employed in the mere official forms. From the time that Mr. Hastings new modelled the revenue system, nothing is seen in its true shape. We now know, in spite of the fallacy of these records, who the true grantor was; it will not be amiss to go a little further in supplying their defects, and to inquire a little concerning the grantee. This makes it necessary for me to inform your lordships who Debi Sing is.

[*Mr. Burke read the committee's recommendation of Debi Sing to the Governor-General and council; but the copy of the paper alluded to is wanting.*]

. . . . . .

Here is a choice; here is Debi Sing presented for his knowledge in business, his trust and fidelity; and that he is a person against whom no objection can be made. This

is presented to Mr. Hastings, by him recorded in the council books, and by him transmitted to the court of directors. Mr. Hastings has since recorded that he knew this Debi Sing (though he here publicly authorizes the nomination of him to all that great body of trusts), that he knew him to be a man completely capable of the most atrocious iniquities that were ever charged upon man. Debi Sing is appointed to all those great trusts through the means of Gunga Govin Sing, from whom he (Mr. Hastings) had received £30,000 as a part of a bribe.

Now though it is a large field, though it is a thing that, I must confess, I feel a reluctance almost in venturing to undertake, exhausted as I am, yet such is the magnitude of the affair, such the evil consequences that followed from a system of bribery, such the horrible consequences of superseding all the persons in office in the country, to give it into the hands of Debi Sing, that though it is the public opinion, and though no man that has ever heard the name of Debi Sing does not know that he was only second to Gunga Govin Sing, yet it is not to my purpose, unless I prove that Mr. Hastings knew his character at the very time he accepts him as a person against whom no exception could be made.

It is necessary to inform your lordships who this Debi Sing was, to whom these great trusts were committed, and those great provinces given.

It may be thought, and not unnaturally, that in this sort of corrupt and venal appointment to high trust and office, Mr. Hastings has no other consideration than the money he received. But whosoever thinks so will be deceived. Mr. Hastings was very far from indifferent to the character of the persons he dealt with. On the con-

trary, he made a most careful selection; he had a very scrupulous regard to the aptitude of the men for the purposes for which he employed them; and was much guided by his experience of their conduct in those offices which had been sold to them upon former occasions.

Except Gunga Govin Sing (whom, as justice required, Mr. Hastings distinguished by the highest marks of his confidence), there was not a man in Bengal, perhaps not upon earth, a match for this Debi Sing. He was not an unknown subject; not one rashly taken up as an experiment. He was a tried man; and if there had been one more desperately and abandonedly corrupt, more wildly and flagitiously oppressive, to be found unemployed in India, large as his offers were, Mr. Hastings would not have taken this money from Debi Sing.

Debi Sing was one of those who in the early stages of the English power in Bengal attached himself to those natives who then stood high in office. He courted Mahomed Reza Khan, a Mussulman of the highest rank, of the tribe of Koreish, whom I have already mentioned, then at the head of the revenue, and now at the head of the criminal justice of Bengal, with all the supple assiduity of which those who possess no valuable art or useful talent are commonly complete masters. Possessing large funds acquired by his apprenticeship and novitiate in the lowest frauds, he was enabled to lend to this then powerful man, in the several emergencies of his variable fortune, very large sums of money. This great man had been brought down by Mr. Hastings, under the orders of the court of directors, upon a cruel charge to Calcutta. He was accused of many crimes, and acquitted £220,000 in

debt. That is to say, as soon as he was a great debtor he ceased to be a great criminal.

Debi Sing obtained by his services no slight influence over Mahomed Reza Khan, a person of a character very different from his.

From that connection he was appointed to the farm of the revenue, and inclusively of the government of Purnea, a province of very great extent, and then in a state of no inconsiderable opulence. In this office he exerted his talents with so much vigor and industry, that in a very short time the province was half depopulated, and totally ruined.

The farm, on the expiration of his lease, was taken by a set of adventurers in this kind of traffic from Calcutta. But when the new undertakers came to survey the object of their future operations and future profits, they were so shocked at the hideous and squalid scenes of misery and desolation that glared upon them in every quarter that they instantly fled out of the country, and thought themselves but too happy to be permitted, on the payment of a penalty of £12,000, to be released from their engagements.

To give in a few words as clear an idea as I am able to give of the immense volume which might be composed of the vexations, violence, and rapine of that tyrannical administration, the territorial revenue of Purnea, which had been let to Debi Sing at the rate of £160,000 sterling a year, was with difficulty leased for a yearly sum under £90,000; and with all rigor of exaction produced in effect little more than £60,000, falling greatly below one half of its original estimate.—So entirely did the administration of Debi Sing exhaust all the resources of the prov-

ince; so totally did his baleful influence blast the very hope and spring of all future revenue.

The administration of Debi Sing was too notoriously destructive not to cause a general clamor. It was impossible that it should be passed over without animadversion. Accordingly, in the month of September, 1772, Mr. Hastings, then at the head of the committee of circuit, removed him for maladministration; and he has since publicly declared on record, that he knew him to be capable of all the most horrid and atrocious crimes that can be imputed to man.

This brand, however, was only a mark for Mr. Hastings to find him out hereafter in the crowd; to identify him for his own; and to call him forth into action when his virtues should be sufficiently matured for the services in which he afterward employed him through his instruments, Mr. Anderson and Gunga Govin Sing. In the meantime he left Debi Sing to the direction of his own good genius.

Debi Sing was stigmatized in the Company's records, his reputation was gone, but his funds were safe. In the arrangement made by Mr. Hastings in the year 1773, by which provincial councils were formed, Debi Sing became deputy steward, or secretary (soon in effect and influence principal steward), to the provincial council of Moorshedabad, the seat of the old government, and the first province of the kingdom; and to his charge were committed various extensive and populous provinces, yielding an annual revenue of 120 lacs of rupees, or £1,500,000. This division of provincial council included Rungpore, Edrackpore, and others, where he obtained such a knowledge of their resources as subsequently to get possession of them.

Debi Sing found this administration composed mostly of young men dissipated and fond of pleasure, as is usual at that time of life; but desirous of reconciling those pleasures which usually consume wealth with the means of making a great and speedy fortune; at once eager candidates for opulence, and perfect novices in all the roads that lead to it. Debi Sing commiserated their youth and inexperience, and took upon him to be their guide.

There is a revenue in that country raised by a tax more productive than laudable. It is an imposition on public prostitutes, a duty upon the societies of dancing girls; those seminaries from which Mr. Hastings has selected an administrator of justice and governor of kingdoms. Debi Sing thought it expedient to farm this tax; not only because he neglected no sort of gain, but because he regarded it as no contemptible means of power and influence. Accordingly, in plain terms, he opened a legal brothel, out of which he carefully reserved (you may be sure) the very flower of his collection for the entertainment of his young superiors; ladies recommended not only by personal merit, but, according to the Eastern custom, by sweet and enticing names which he had given them. For, if they were to be translated, they would sound—Riches of my Life; Wealth of my Soul; Treasure of Perfection; Diamond of Splendor; Pearl of Price; Ruby of Pure Blood, and other metaphorical descriptions, that, calling up dissonant passions to enhance the value of the general harmony, heightened the attractions of love with the allurements of avarice. A moving seraglio of these ladies always attended his progress, and were always brought to the splendid and multiplied entertainments with which he regaled his council.

In these festivities, while his guests were engaged with the seductions of beauty, the intoxications of the most delicious wines of France, and the voluptuous vapor of perfumed India smoke, uniting the vivid satisfactions of Europe with the torpid blandishments of Asia, the great magician himself, chaste in the midst of dissoluteness, sober in the centre of debauch, vigilant in the lap of negligence and oblivion, attended with an eagle's eye the moment for thrusting in business, and at such times was able to carry without difficulty points of shameful enormity, which at other hours he would not so much as have dared to mention to his employers, young men rather careless and inexperienced than intentionally corrupt. Not satisfied with being pander to their pleasures, he anticipated, and was purveyor to, their wants, and supplied them with a constant command of money; and by these means he reigned with an uncontrolled dominion over the province and over its governors.

For you are to understand that in many things we are very much misinformed with regard to the true seat of power in India. While we were proudly calling India a British government, it was in substance a government of the lowest, basest, and most flagitious of the native rabble; to whom the far greater part of the English, who figured in employment and station, had from their earliest youth been slaves and instruments. Banyans had anticipated the period of their power in premature advances of money, and have ever after obtained the entire dominion over their nominal masters.

By these various ways and means Debi Sing contrived to add job to job, employment to employment, and to hold, besides the farms of two very considerable districts, vari-

ous trusts in the revenue; sometimes openly appearing, sometimes hid two or three deep in false names; emerging into light, or shrouding himself in darkness, as successful or defeated crimes rendered him bold or cautious. Every one of these trusts was marked with its own fraud; and for one of those frauds committed by him in another name, by which he became deeply in balance to the revenue, he was publicly whipped by *proxy*.

All this while Mr. Hastings kept his eye upon him, and attended to his progress. But, as he rose in Mr. Hastings' opinion, he fell in that of his immediate employers. By degrees, as reason prevailed, and the fumes of pleasure evaporated, the provincial council emerged from their first dependence; and, finding nothing but infamy attending the councils and services of such a man, resolved to dismiss him. In this strait, and crisis of his power, the artist turned himself into all shapes. He offered great sums individually; he offered them collectively; and at last put a carte blanche on the table—All to no purpose! What, are you stones?—Have I not men to deal with?—Will flesh and blood refuse me?

When Debi Sing found that the council had entirely escaped, and were proof against his offers, he left them with a sullen and menacing silence. He applied where he had good intelligence that these offers would be well received; and that he should at once be revenged of the council, and obtain all the ends which through them he had sought in vain.

Without hesitation or scruple Mr. Hastings sold a set of innocent officers; sold his fellow-servants of the Company, entitled by every duty to his protection; sold English subjects, recommended by every tie of national

sympathy; sold the honor of the British government itself; without charge, without complaint, without allegation of crime in conduct, or of insufficiency in talents; he sold them to the most known and abandoned character which the rank servitude of that clime produces. For *him*, he entirely broke and quashed the council of Moorshedabad, which had been the settled government for twelve years (a long period in the changeful history of India), at a time, too, when it had acquired a great degree of consistency, an official experience, a knowledge and habit of business, and was making full amends for early errors.

For now Mr. Hastings, having buried Colonel Monson and General Clavering, and having shaken off Mr. Francis, who retired half dead from office, began at length to respire; he found elbow-room once more to display his genuine nature and disposition, and to make amends in a riot and debauch of peculation for the forced abstinence to which he was reduced during the usurped dominion of honor and integrity.

It was not enough that the English were thus sacrificed to the revenge of Debi Sing. It was necessary to deliver over the natives to his avarice. By the intervention of bribe brokerage he united the two great rivals in iniquity, who before, from an emulation of crimes, were enemies to each other, Gunga Govin Sing and Debi Sing. He negotiated the bribe and the farm of the latter through the former; and Debi Sing was invested in farm for two years with the three provinces of Dinagepore, Edrackpore, and Rungpore; territories making together a tract of land superior in dimensions to the northern counties of England, Yorkshire included.

To prevent anything which might prove an obstacle on the full swing of his genius, he removed all the restraints which had been framed to give an ostensible credit, to give some show of official order, to the plans of revenue administration framed from time to time in Bengal. An officer, called a dewan, had been established in the provinces, expressly as a check on the person who should act as farmer-general. This office he conferred along with that of farmer-general on Debi Sing, in order that Debi might become an effectual check upon Sing; and thus these provinces, without inspection, without control, without law, and without magistrates, were delivered over by Mr. Hastings, bound hand and foot, to the discretion of the man whom he had before recorded as the destroyer of Purnea, and capable of every the most atrocious wickedness that could be imputed to man.

Fatally for the natives of India, every wild project and every corrupt sale of Mr. Hastings, and those whose example he followed, is covered with a pretended increase of revenue to the Company. Mr. Hastings would not pocket his bribe of £40,000 for himself, without letting the Company in as a sharer and accomplice. For the province of Rungpore, the object to which I mean in this instance to confine your attention, £7,000 a year was added. But lest this avowed increase of rent should seem to lead to oppression, great and religious care was taken in the covenant, so stipulated with Debi Sing, that *this* increase should not arise from any additional assessment whatsoever on the country, but solely from improvements in the cultivation, and the encouragement to be given to the landholder and husbandman. But as Mr. Hastings' bribe of a far greater sum was not guarded by any such

provision, it was left to the discretion of the donor in what manner he was to indemnify himself for it.

Debi Sing fixed the seat of his authority at Dinagepore, where, as soon as he arrived, he did not lose a moment in doing his duty. If Mr. Hastings can forget his covenant, you may easily believe that Debi Sing had not a more correct memory; and, accordingly, as soon as he came into the province he instantly broke every covenant which he had entered into, as a restraint on his avarice, rapacity, and tyranny, which, from the highest of the nobility and gentry to the lowest husbandman, were afterwards exercised, with a stern and unrelenting impartiality, upon the whole people. For notwithstanding the province before Debi Sing's lease was, from various causes, in a state of declension, and in balance for the revenue of the preceding year, at his very first entrance into office he forced from the zemindars or landed gentry an enormous increase of their tribute. They refused compliance. On this refusal he threw the whole body of zemindars into prison; and thus in bonds and fetters compelled them to sign their own ruin by an increase of rent which they knew they could never realize.

Having thus gotten them under, he added exaction to exaction, so that every day announced some new and varied demand; until exhausted by these oppressions they were brought to the extremity to which he meant to drive them, the sale of their lands.

The lands held by the zemindars of that country are of many descriptions. The first and most general are those that pay revenue. The others are of the nature of demesne lands, which are free and pay no rent to government. The latter are for the immediate support of the zemindars and

their families, as from the former they derive their influence, authority, and the means of upholding their dignity. The lands of the former description were immediately attached, sequestered, and sold for the most trifling consideration. The rent-free lands, the best and richest lands of the whole province, were sold—sold for—what do your lordships think?—They were sold for less than one year's purchase—at less than one year's purchase, at the most underrated value; so that the fee-simple of an English acre of rent-free land sold at the rate of seven or eight shillings. Such a sale on such terms strongly indicated the purchaser. And how did it turn out in fact? The purchaser was the very agent and instrument of Mr. Hastings, Debi Sing himself. He made the exaction; he forced the sale; he reduced the rate; and he became the purchaser at less than one year's purchase, and paid with the very money which he had extorted from the miserable venders.

When he had thus sold and separated these lands, he united the whole body of them, amounting to about £7,000 sterling a year (but according to the rate of money and living in that country equivalent to a rental in England of £30,000 a year); and then having raised in the new letting, as on the sale he had fraudently reduced, those lands, he reserved them as an estate for himself, or to whomsoever resembling himself Mr. Hastings should order them to be disposed.

The lands thus sold for next to nothing, left of course the late landholder still in debt. The failure of fund, the rigorous exaction of debt, and the multiplication of new arbitrary taxes, next carried off the goods. There is a circumstance attending this business, which will call for your lordships' pity. Most of the landholders or zemin-

dars in that country happened at that time to be women. The sex there is in a state certainly resembling imprisonment, but guarded as a sacred treasure with all possible attention and respect. None of the coarse male hands of the law can reach them; but they have a custom very cautiously used in all good governments there of employing female bailiffs, or sergeants, in the execution of the law, where that sex is concerned. Guards, therefore, surrounded the houses; and then female sergeants and bailiffs entered into the habitations of these female zemindars, and held their goods and persons in execution, nothing being left but what was daily threatened, their life and honor. The landholders, even women of eminent rank and condition, for such the greater part of the zemindars then were, fled from the ancient seats of their ancestors, and left their miserable followers and servants, who in that country are infinitely numerous, without protection and without bread. The monthly instalment of Mr. Hastings' bribe was become due, and his rapacity must be fed from the vitals of the people.

The zemindars, before their own flight, had the mortification to see all the lands assigned to charitable and to religious uses, the humane and pious foundations of themselves and their ancestors made to support infirmity and decrepitude, to give feet to the lame and eyes to the blind, and to effect which they had deprived themselves of many of the enjoyments of life, cruelly sequestered and sold at the same market of violence and fraud, where their demesne possessions and their goods had been before made away with. Even the lands and funds set aside for their funeral ceremonies, in which they hoped to find an end to their miseries, and some indemnity of imagination for

all the substantial sufferings of their lives—even the very feeble consolations of death were by the same rigid hand of tyranny, a tyranny more consuming than the funeral pile, more greedy than the grave, and more inexorable than death itself, seized and taken to make good the honor of corruption, and the faith of bribery pledged to Mr. Hastings or his instruments.

Thus it fared with the better and middling orders of the people. Were the lower, the more industrious, spared? —Alas! as their situation was far more helpless, their oppression was infinitely more sore and grievous—the exactions yet more excessive, the demand yet more vexatious, more capricious, more arbitrary. To afford your lordships some idea of the condition of those who were served up to satisfy Mr. Hastings' hunger and thirst for bribes, I shall read it to you in the very words of the representative tyrant himself, Rajah Debi Sing. Debi Sing, when he was charged with a fraudulent sale of the ornaments of gold and silver of women, who, according to the modes of that country, had starved themselves to decorate their unhappy persons, argued on the improbability of this part of the charge, in these very words:

"It is notorious," says he, "that poverty generally prevails among the husbandmen of Rungpore, more perhaps than in any other parts of the country. They are seldom possessed of any property except at the time they reap their harvest; and at others barely procure their subsistence. And this is the cause that such numbers of them were swept away by the famine. Their effects are only a little earthenware, and their houses only a handful of straw, the sale of *a thousand* of which would not perhaps produce twenty shillings."

These were the opulent people from whose superfluities Mr. Hastings was to obtain a gift of £40,000 over and above a large increase of rent, over and above the exactions by which the farmer must reimburse himself for the advance of the money, by which he must obtain the natural profit of the farm, as well as supply the peculium of his own avarice.

Therefore your lordships will not be surprised at the consequences. All this unhappy race of little farmers and tillers of the soil were driven like a herd of cattle by his extortioners, and compelled by imprisonments, by fetters, and by cruel whippings, to engage for more than the whole of their substance or possible acquisition.

Over and above this there was no mode of extortion which the inventive imagination of rapacity could contrive that was not contrived and was not put in practice. On its own day your lordships will hear with astonishment, detestation, and horror, the detail of these tyrannous inventions; and it will appear that the aggregate of these superadded demands amounted to as great a sum as the whole of the compulsory rent on which they were piled.

The country being in many parts left wholly waste, and in all parts considerably depopulated by the first rigors, the full rate of the district was exacted from the miserable survivors. Their burdens were increased as their fellow-laborers, to whose joint efforts they were to owe the means of payment, diminished. Driven to make payments, beyond all possible calculation, previous to receipts and above their means, in a very short time they fell into the hands of usurers.

The usurers, who under such a government held their own funds by a precarious tenure, and were to lend to

those whose substance was still more precarious (to the natural hardness and austerity of that race of men), had additional motives to extortion, and made their terms accordingly. And what were the terms these poor people were obliged to consent to, to answer the bribes and peshcush paid to Mr. Hastings? five, ten, twenty, forty per cent? No! at an interest of six hundred per cent per annum, payable by the day! A tiller of land to pay six hundred per cent to discharge the demands of government! What exhaustless fund of opulence could supply this destructive resource of wretchedness and misery? Accordingly, the husbandman ground to powder between the usurer below and the oppressor above, the whole crop of the country was forced at once to market; and the market glutted, overcharged, and suffocated, the price of grain fell to the fifth part of its usual value. The crop was then gone, but the debt remained. A universal treasury-extent, and process of execution, followed on the cattle and stock, and was enforced, with more or less rigor, in every quarter. We have it in evidence that in those sales five cows were sold for not more than seven or eight shillings. All other things were depreciated in the same proportion. The sale of the instruments of husbandry succeeded to that of the corn and stock. Instances there are, where, all other things failing, the farmers were dragged from the court to their houses, in order to see them first plundered, and then burned down before their faces. It was not a rigorous collection of revenue, it was a savage war made upon the country.

The peasants were left little else than their families and their bodies. The families were disposed of. It is a known observation that those who have the fewest of

all other worldly enjoyments are the most tenderly attached to their children and wives. The most tender of parents sold their children at market. The most fondly jealous of husbands sold their wives. The tyranny of Mr. Hastings extinguished every sentiment of father, son, brother, and husband!

I come now to the last stage of their miseries; everything visible and vendible was seized and sold. Nothing but the bodies remained.

It is the nature of tyranny and rapacity never to learn moderation from the ill success of first oppressions; on the contrary, all oppressors, all men thinking highly of the methods dictated by their nature, attribute the frustration of their desires to the want of sufficient rigor. Then they redouble the efforts of their impotent cruelty; which producing, as they must ever produce, new disappointments, they grow irritated against the objects of their rapacity; and then rage, fury, and malice (implacable because unprovoked) recruiting and reinforcing their avarice, their vices are no longer human. From cruel men they are transformed into savage beasts, with no other vestiges of reason left but what serves to furnish the inventions and refinements of ferocious subtlety for purposes of which beasts are incapable and at which fiends would blush.

Debi Sing and his instruments suspected, and in a few cases they suspected justly, that the country people had purloined from their own estates, and had hidden in secret places in the circumjacent deserts, some small reserve of their own grain to maintain themselves during the unproductive months of the year, and to leave some hope for a future season. But the under-tyrants knew

that the demands of Mr. Hastings would admit no plea for delay, much less for subtraction of his bribe, and that he would not abate a shilling of it to the wants of the whole human race. These hoards, real or supposed, not being discovered by menaces and imprisonment, they fell upon the last resource, the naked bodies of the people. And here, my lords, began such a scene of cruelties and tortures as I believe no history has ever presented to the indignation of the world; such as I am sure in the most barbarous ages no politic tyranny, no fanatic persecution, has ever yet exceeded. Mr. Paterson, the commissioner appointed to inquire into the state of the country, makes his own apology and mine for opening this scene of horrors to you in the following words: "That the punishments inflicted upon the ryotts both of Rungpore and Dinagepore for non-payment were in many instances of such a nature that I would rather wish to draw a veil over them, than shock your feelings by the detail; but that, however disagreeable the task may be to myself, it is absolutely necessary for the sake of justice, humanity, and the honor of government, that they should be exposed, to be prevented in future."

My lords, they began by winding cords round the fingers of the unhappy freeholders of those provinces, until they clung to and were almost incorporated with one another; and then they hammered wedges of iron between them, until, regardless of the cries of the sufferers, they had bruised to pieces and forever crippled those poor, honest, innocent, laborious hands, which had never been raised to their mouths but with a penurious and scanty proportion of the fruits of their own soil; but those fruits (denied to the wants of their own children) have for more

than fifteen years past furnished the investment for our trade with China, and been sent annually out, and without recompense, to purchase for us that delicate meal with which your lordships, and all this auditory, and all this country have begun every day for these fifteen years at their expense. To these beneficent hands, that labor for our benefit, the return of the British government has been cords, and hammers, and wedges. But there is a place where these crippled and disabled hands will act with resistless power. What is it that they will not pull down, when they are lifted to heaven against their oppressors? Then, what can withstand such hands? Can the power that crushed and destroyed them? Powerful in prayer, let us at least deprecate, and thus endeavor to secure ourselves from, the vengeance which these mashed and disabled hands may pull down upon us. My lords, it is an awful consideration. Let us think of it.

But to pursue this melancholy but necessary detail. I am next to open to your lordships, what I am hereafter to prove, that the most substantial and leading yeomen, the responsible farmers, the parochial magistrates, and chiefs of villages, were tied two and two by the legs together; and their tormentors, throwing them with their heads downward over a bar, beat them on the soles of the feet with ratans, until the nails fell from the toes; and then attacking them at their heads, as they hung downward, as before at their feet, they beat them with sticks and other instruments of blind fury, until the blood gushed out at their eyes, mouths, and noses.

Not thinking that the ordinary whips and cudgels, even so administered, were sufficient, to others (and often also to the same, who had suffered as I have stated) they

applied, instead of ratan and bamboo, whips made of the branches of the bale tree—a tree full of sharp and strong thorns, which tear the skin and lacerate the flesh far worse than ordinary scourges.

For others, exploring with a searching and inquisitive malice, stimulated by an insatiate rapacity, all the devious paths of nature for whatever is most unfriendly to man, they made rods of a plant highly caustic and poisonous, called *bechettea*, every wound of which festers and gangrenes, adds double and treble to the present torture, leaves a crust of leprous sores upon the body, and often ends in the destruction of life itself.

At night, these poor innocent sufferers, these martyrs of avarice and extortion, were brought into dungeons; and in the season when nature takes refuge in insensibility from all the miseries and cares which wait on life, they were three times scourged, and made to reckon the watches of the night by periods and intervals of torment. They were then led out in the severe depth of winter, which there at certain seasons would be severe to any, to the Indians is most severe and almost intolerable—they were led out before break of day, and, stiff and sore as they were with the bruises and wounds of the night, were plunged into water; and while their jaws clung together with the cold, and their bodies were rendered infinitely more sensible, the blows and stripes were renewed upon their backs; and then, delivering them over to soldiers, they were sent into their farms and villages to discover where a few handfuls of grain might be found concealed, or to extract some loan from the remnants of compassion and courage, not subdued in those who had reason to fear that their own turn of torment would be next, that they

should succeed them in the same punishment, and that their very humanity, being taken as a proof of their wealth, would subject them (as it did in many cases subject them) to the same inhuman tortures. After this circuit of the day through their plundered and ruined villages, they were remanded at night to the same prison; whipped, as before, at their return to the dungeon; and at morning whipped at their leaving it; and then sent as before to purchase, by begging in the day, the reiteration of the torture in the night. Days of menace, insult, and extortion—nights of bolts, fetters, and flagellation, succeeded to each other in the same round, and for a long time made up all the vicissitude of life to these miserable people.

But there are persons whose fortitude could bear their own suffering; there are men who are hardened by their very pains; and the mind, strengthened even by the torments of the body, rises with a strong defiance against its oppressor. They were assaulted on the side of their sympathy. Children were scourged almost to death in the presence of their parents. This was not enough. The son and father were bound close together, face to face, and body to body, and in that situation cruelly lashed together, so that the blow which escaped the father fell upon the son, and the blow which missed the son wound over the back of the parent. The circumstances were combined by so subtle a cruelty, that every stroke which did not excruciate the sense, should wound and lacerate the sentiments and affections of nature.

On the same principle, and for the same ends, virgins, who had never seen the sun, were dragged from the inmost sanctuaries of their houses; and in the open court

of justice, in the very place where security was to be sought against all wrong and all violence (but where no judge or lawful magistrate had long sat, but in their place the ruffians and hangmen of Warren Hastings occupied the bench), these virgins, vainly invoking heaven and earth, in the presence of their parents, and while their shrieks were mingled with the indignant cries and groans of all the people, publicly were violated by the lowest and wickedest of the human race. Wives were torn from the arms of their husbands, and suffered the same flagitious wrongs, which were, indeed, hid in the bottoms of the dungeons in which their honor and their liberty were buried together. Often they were taken out of the refuge of this consoling gloom, stripped naked, and thus exposed to the world, and then cruelly scourged; and in order that cruelty might riot in all the circumstances that melt into tenderness the fiercest natures, the nipples of their breasts were put between the sharp and elastic sides of cleft bamboos. Here, in my hand, is my authority; for otherwise one would think it incredible. But it did not end here. Growing from crime to crime, ripened by cruelty for cruelty, these fiends, at length outraging sex, decency, nature, applied lighted torches and slow fire—(I cannot proceed for shame and horror!)—these infernal furies planted death in the source of life, and where that modesty, which, more than reason, distinguishes men from beasts, retires from the view, and even shrinks from the expression, there they exercised and glutted their unnatural, monstrous, and nefarious cruelty—there, where the reverence of nature, and the sanctity of justice, dares not to pursue, nor venture to describe their practices.

These, my lords, were sufferings which we feel all in common in India and in England, by the general sympathy of our common nature. But there were in that province (sold to the tormentors by Mr. Hastings) things done which, from the peculiar manners of India, were even worse than all I have laid before you; as the dominion of manners and the law of opinion contribute more to their happiness and misery than anything in mere sensitive nature can do.

The women thus treated lost their caste. My lords, we are not here to commend or blame the institutions and prejudices of a whole race of people, radicated in them by a long succession of ages, on which no reason or argument, on which no vicissitudes of things, no mixtures of men, or foreign conquest, have been able to make the smallest impression. The aboriginal Gentoo inhabitants are all dispersed into tribes or castes; each caste born to an invariable rank, rights, and descriptions of employment; so that one caste cannot by any means pass into another. With the Gentoos certain impurities or disgraces, though without any guilt of the party, infer loss of caste; and when the highest caste, that of Brahmin, which is not only noble but sacred, is lost, the person who loses it does not slide down into one lower but reputable—he is wholly driven from all honest society. All the relations of life are at once dissolved. His parents are no longer his parents; his wife is no longer his wife; his children, no longer his, are no longer to regard him as their father. It is something far worse than complete outlawry, complete attainder, and universal excommunication. It is a pollution even to touch him; and if he touches any of his old caste, they are justified in put-

ting him to death. Contagion, leprosy, plague, are not so much shunned. No honest occupation can be followed. He becomes a *Halichore*, if (which is rare) he survives that miserable degradation.

Upon those whom all the shocking catalogue of tortures I have mentioned could not make to flinch, one of the modes of losing caste for Brahmins, and other principal tribes, was practiced. It was, to harness a bullock at the court door, and to put the Brahmin on his back, and to lead him through the towns, with drums beating before him. To intimidate others, this bullock, with drums, the instrument according to their ideas of outrage, disgrace, and utter loss of caste, was led through the country; and, as it advanced, the country fled before it. When any Brahmin was seized he was threatened with this pillory, and for the most part he submitted in a moment to whatever was ordered. What it was may be thence judged. But when no possibility existed of complying with the demand, the people by their cries sometimes prevailed on the tyrants to have it commuted for cruel scourging, which was accepted as mercy. To some Brahmins this mercy was denied, and the act of indelible infamy executed. Of these men one came to the Company's commissioner with the tale, and ended with these melancholy words—"I have suffered this indignity; my caste is lost; my life is a burden to me; I call for justice." He called in vain.

Your lordships will not wonder that these monstrous and oppressive demands, exacted with such tortures, threw the whole province into despair. They abandoned their crops on the ground. The people, in a body, would have fled out of its confines; but bands of soldiers invested the

avenues of the province, and, making a line of circumvallation, drove back those wretches who sought exile as a relief, into the prison of their native soil. Not suffered to quit the district, they fled to the many wild thickets which oppression had scattered through it, and sought among the jungles and dens of tigers a refuge from the tyranny of Warren Hastings. Not able long to exist here, pressed at once by wild beasts and famine, the same despair drove them back; and seeking their last resource in arms, the most quiet, the most passive, the most timid of the human race rose up in a universal insurrection; and, what will always happen in popular tumults, the effects of the fury of the people fell on the meaner and sometimes the reluctant instruments of the tyranny, who in several places were massacred. The insurrection began in Rungpore, and soon spread its fire to the neighboring provinces, which had been harassed by the same person with the same oppressions. The English chief in that province had been the silent witness, most probably the abettor and accomplice, of all these horrors. He called in first irregular, and then regular, troops, who by dreadful and universal military execution got the better of the impotent resistance of unarmed and undisciplined despair. I am tired with the detail of the cruelties of peace. I spare you those of a cruel and inhuman war, and of the executions which without law or process, or even the shadow of authority, were ordered by the English revenue chief in that province.

In our Indian government, whatever grievance is borne is denied to exist; and all mute despair, and sullen patience, is construed into content and satisfaction. But this general insurrection, which at every moment threatened

to blaze out afresh, and to involve all the provinces in its flames, rent in pieces that veil of fraud and mystery that covers all the miseries of all the provinces. Calcutta rung with it; and it was feared it would go to England. The English chief in the province, Mr. Goodlad, represented it to Mr. Hastings' revenue committee to be (what it was) the greatest and most serious disturbance that ever happened in Bengal. But, good easy man, he was utterly unable to guess to what cause it was to be attributed. He thought there was some irregularity in the collection; but on the whole judged that it had little other cause than a general conspiracy of the husbandmen and landholders, who, as Debi Sing's lease was near expiring, had determined not to pay any more revenue.

Mr. Hastings' committee of revenue, while these wounds were yet bleeding, and while a total failure was threatened in the rents of these provinces, thought themselves obliged to make an inquiry, with some sort of appearance of seriousness, into the causes of it. They looked therefore about them carefully, and chose what they judged would be most plausible and least effective. They thought that it was necessary to send a special commissioner into the province; and one, too, whose character would not instantly blast the credit of his mission. They cast their eyes on a Mr. Paterson, a servant of the Company, a man of fair character and long standing in the service. Mr. Paterson was a person known to be of a very cool temper, placid manners, moderate and middle opinions, unconnected with parties: and from such a character they looked for (what sometimes is to be expected from it) a compromising, balanced, neutralized, equivocal, colorless, confused report; in which the blame was to be impartially divided between

the sufferer and the oppressor; and in which, according to the standing manners of Bengal, he would recommend oblivion as the best remedy; and would end by remarking, that retrospect could have no advantage, and could serve only to irritate and keep alive animosities: and by this kind of equitable, candid, and judge-like proceeding they hoped the whole complaint would calmly fade away; the sufferers remain in the possession of their patience, and the tyrant of his plunder. In confidenc of this event from this presumed character, Mr. Hastings' committee in appointing Mr. Paterson their commissioner were not deficient in arming him with powers equal to the object of his commission. He was enabled to call before him all accountants, to compel the production of all accounts, to examine all persons; not only to inquire and to report, but to decide and to redress.

Such is the imperfection of human wisdom, that the committee totally failed in their well-laid project. They were totally mistaken in their man. Under that cold outside the commissioner Paterson concealed a firm, manly, and fixed principle, a deciding intellect, and a feeling heart. My lords, he is the son of a gentleman of a venerable age and excellent character in this country, who long filled the seat of chairman of the committee of supply in the House of Commons, and who is now enjoying repose from his long labors in an honorable age. The son, as soon as he was appointed to this commission, was awed by, and dreaded, the consequences. He knew to what temptation he should be exposed, from the known character of Debi Sing, to suppress or to misrepresent facts. He, therefore, took out a letter he had from his father, which letter was the preservation of his character, and destruction

of his fortune. This letter he always resorted to in all trying exigencies of his life.

He laid the letter before him, and there was enjoined such a line of integrity, of incorruptness, of bearing every degree of persecution rather than disguising truth, that he went up into the country in a proper frame of mind for doing his duty.

He went to Rungpore strongly impressed with a sense of the great trust that was placed in him; and he had not the least reason to doubt of full support in the execution of it; as he, with every other white man in Bengal, probably, and every black, except two, was ignorant of the fact that the Governor-General, under whose delegated authority he was sent, had been bribed by the farmer-general of those provinces, and had sold them to his discretion for a great sum of money. If Paterson had known this fact, no human consideration would have induced him, or any other man of common prudence, to undertake an inquiry into the conduct of Debi Sing. Pity, my lords, the condition of an honest servant in Bengal.

But Paterson was ignorant of this dark transaction, and went simply to perform a duty. He had hardly set his foot in the province, when the universal, unquestioned, uncontradicted testimony of the whole people, concurring with the manifest evidence of things, which could not lie —with the face of an utterly ruined, undone, depopulated country, and saved from literal and exceptionless depopulation only by the exhibition of scattered bands of wild, naked, meagre, half-famished wretches, who rent heaven with their cries and howlings—left him no sort of doubt of the real cause of the late tumults. In his first letters he conveyed his sentiments to the committee with these

memorable words—"In my two reports I have set forth, in a general manner, the oppressions which provoked the ryotts to rise. I shall, therefore, not enumerate them now. Every day of my inquiry serves but to confirm the facts. The wonder would have been, if they had not risen: it was not collection, but real robbery, aggravated by corporal punishment and every insult of disgrace; and this not confined to a few, but extended over every individual. Let the mind of man be ever so much inured to servitude, still there is a point where oppressions will rouse it to resistance. Conceive to yourselves what must be the situation of a ryott, when he sees everything he has in the world seized, to answer an exaggerated demand, and sold at so low a price as not to answer one half of that demand: when he finds himself so far from being released, that he remains still subject to corporal punishment. But what must be his feelings, when his tyrant, seeing that kind of severity of no avail, adds family disgrace and loss of caste? You, gentlemen, who know the reserve of the natives in whatever concerns their women, and their attachment to their castes, must allow the full effect of these prejudices under such circumstances."

He, however, proceeded with steadiness and method, and in spite of every discouragement which could be thrown in his way by the power, craft, fraud, and corruption of the farmer-general, Debi Sing, by the collusion of the provincial chief, and by the decay of support from his employers, which gradually faded away and forsook him as his occasions for it increased. Under all these and under many more discouragements and difficulties, he made a series of able, clear, and well-digested reports, attended with such evidence as never before, and, I believe,

never will again appear, of the internal provincial administration of Bengal; of evils universally understood, which no one was ever so absurd as to contradict, and whose existence was never denied, except in those places where they ought to be rectified, although none before Paterson had the courage to display the particulars. By these reports, carefully collated with the evidence, I have been enabled to lay before you some of the effects, in one province and part of another, of Governor Hastings' general system of bribery.

But now appeared, in the most striking light, the good policy of Mr. Hastings' system of 1780, in placing this screen of a committee between him and his crimes. The committee had their lesson. While Paterson is left collecting his evidence and casting up his accounts in Rungpore, Debi Sing is called up, in seeming wrath, to the capital, where he is received as those who have robbed and desolated provinces, and filled their coffers with £700,000 sterling, have been usually received at Calcutta, and sometimes in Great Britain. Debi Sing made good his ground in Calcutta, and when he had well prepared his committee, in due time Paterson returns, appears, and reports.

Persons even less informed than your lordships are well apprised that all officers representing government, and making in that character an authorized inquiry, are entitled to a presumptive credit for all their proceedings, and that their reports of facts (where there is no evidence of corruption or malice) are in the first instance to be taken for truth, especially by those who have authorized the inquiry; and it is their duty to put the burden of proof to the contrary on those who would impeach or shake the report.

Other principles of policy, and other rules of government, and other maxims of office, prevailed in the committee of Mr. Hastings' devising. In order to destroy that just and natural credit of the officer, and the protection and support they were bound to afford him, they in an instant shift and reverse all the relations in which the parties stood.

This executive board, instituted for the protection of the revenue and of the people, and which was no court of justice in fact or name, turned their own representative officer, reporting facts according to his duty, into a voluntary accuser, who is to make good his charge at his peril. The farmer-general, whose conduct was not criminally attacked, but appeared as one of the grounds of a public inquiry, is turned into a culprit before a court of justice, against whom everything is to be juridically made out or not admitted: and the members of an executive board, by usurpation and fraud, erect themselves into judges, bound to proceed by strict rules of law.

By this infamous juggle they took away, as far as in them lay, the credit due to the proceedings of government. They changed the natural situation of proofs. They rejected the depositions of Paterson's witnesses, as not on oath, though they had never ordered or authorized them so to be taken.

They went further, and disabled, in a body, all the deponents themselves, whether on oath or not on oath, by discrediting the whole province, as a set of criminals, who gave evidence to palliate their own rebellion. They administered interrogatories to the commissioner instead of the culprit. They took a base fellow, whom they had themselves ordered their commissioner to imprison for

crimes (crimes charged on him, not by the commissioner, but by themselves), and made him a complainant and a witness against him in the stupidest and most improbable of all accusations—namely, that Paterson had menaced him with punishment, if he did not, in so many words, slander and calumniate Debi Sing; and then the committee, seating this wretch as an assessor at their own board, who a few days before would have trembled like a whipped slave at the look of a European, encouraged him to interrogate their own commissioner.

[Note.—Here Mr. Burke was taken ill, and obliged to sit down. After some time Mr. Burke again addressed the House.]

My lords, I am sorry to break the attention of your lordships in such a way. It is a subject that agitates me. It is long, difficult, and arduous; but with the blessing of God, if I can, to save you any further trouble, I will go through it this day.

I am to tell your lordships that the next step they took was, after putting Mr. Paterson as an accuser to make good a charge which he made out but too much to their satisfaction, they changed their battery.

[Note.—Mr. Burke's illness increased; upon which the House, on the motion of His Royal Highness, the Prince of Wales, adjourned.]

SIXTH DAY, FEBRUARY 19, 1788

MY LORDS—In any great undertaking, a failure in the midst of it, even from infirmity, though to be regarded principally as a misfortune, is attended with some slight shadow of disgrace; but your lordships' humanity, and your love of justice, have remedied everything, and I therefore proceed with confidence this day.

My lords, I think (to the best of my remembrance) the House adjourned at the period of time in which I was endeavoring to illustrate the mischiefs that happened from Mr. Hastings' throwing off his responsibility by delegating his power to a nominal council, and in reality to a black bad man, a native of the country, of the worst character that could be found in it; and the consequence of it, in preventing the detection and the punishment of the grossest abuses that ever were known to be committed in India or any other part of the world.

My lords, I stated to you that Mr. Commissioner Paterson was sent into that country. I stated that he was sent into it with all the authority of government, with power to hear, and not only to hear and to report, but to redress, the grievances which he should find in the country. In short, there was nothing wanting to his power but an honest support. Your lordships will be convinced that the road to fortune was easy to him. Debi Sing for a favorable report would have given a large sum of money. Your lordships will be convinced that the committee would not have received such a report as a proof of bribery. They

would rather consider him as a man whose conduct tended to conciliate, and to soften troublesome and difficult matters, and to settle the order of government as soon as possible.

Some of the things contained in his reports I have taken the liberty of laying before your lordships, but very faintly, very imperfectly, and far short of my materials. I have stated that the criminal against whom the commissioner had made his report, instead of being punished by that strong hand of power which Mr. Hastings has thought proper to use upon other occasions when he has endeavored to make princes, or persons in the rank and with the attributes of sovereign princes, feel whenever they have incurred his private resentments; that this man was put into every situation of offence or defence which the most litigious and prevaricating laws that ever were invented in the very bosom of arbitrary power could afford him, or by which peculation and power were to be screened from the cries of an oppressed people.

Mr. Paterson, I stated, from being a commissioner directed to report under the authority of government to that government, was considered as a voluntary accuser, obliged to make good the articles of his charge. But, I believe, I stated that he did not long remain in that condition.

I shall now proceed to state to your lordships that this Debi Sing, fortified by this protection, which was extended even to the lowest of his instruments, thought it high time to assume the superiority that belonged to a personage who had the Governor-General for his *pensioner*. No longer the sneaking tone of apology—no longer the modest allegations that the commissioner was misinformed—he boldly accuses

the representative of English government of forgery in order to destroy him; he criminates and recriminates, and lays about him without mercy.

Things were now in a proper train—the committee find the cause growing and ripening to their wishes—answers, replies, objections, and interrogatories—accounts opposed to accounts—balances now on the one side, now on the other.—Now debtor becomes creditor, and creditor debtor—until the proceedings were grown to the size of volumes, and the whole well fitted to perplex the most simple facts, and to darken the meridian sunshine of public notoriety. They prepared a report for the Governor-General and council, suitable to the whole tenor of their proceedings. Here the man whom they had employed and betrayed appeared in a new character. Observe their course with him—First, he was made a commissioner. Then, he was changed from a commissioner to be a voluntary accuser. He now undergoes another metamorphosis—he appears as a culprit before Mr. Hastings, on the accusation of the donor of Mr. Hastings' bribes. He is to answer to the accusations of Debi Sing. He is permitted to find materials for his own defence; and he, an old Company's servant, is to acknowledge it as a favor to be again suffered to go into the province, without authority, without station, without public character, under the discountenance and frowns, and in a manner under prosecution, of the government. As a favor, he is suffered to go again into Rungpore, in hopes of finding among the dejected, harassed, and enslaved race of Hindus, and in that undone province, men bold enough to stand forward against all temptations of emolument, and at the risk of their lives, with a firm adherence to their original charge; and at a time when they

saw *him* an abandoned and persecuted private individual, whom they had just before looked upon as a protecting angel, carrying with him the whole power of a beneficent government, and whom they had applied to as a magistrate of high and sacred authority, to hear the complaints and to redress the grievances of a whole people.

A new commission of junior servants was at the same time sent out to review and re-examine the cause, to inquire into the inquiry, to examine into the examination, to control the report, to be commissioners upon the commission of Mr. Paterson. Before these commissioners he was made to appear as an accused person, and was put upon his defence, but without the authority and without the favor which ought to go with an accused person for the purpose of enabling him to make out such defence.

These persons went down into that country; and, after spending a long time in mere matters of form, found they could not do without a representative of Debi Sing, and accordingly they ordered Debi Sing to send up his vakeel.

I forgot to state to your lordships what the condition of Debi Sing was during this proceeding. This man had been ordered to Calcutta on two grounds; one on the matter of his flagitious misconduct at Rungpore, and the other, for a great failure in the payment of his stipulated revenue. Under this double accusation he was to be considered, according to the usual mode of proceeding in such cases, as a prisoner; and he was kept, not in the common jail of Calcutta, not in the prison of the fort, not in that jail in which Rajah Nundcomar, who had been prime minister of the empire, was confined, but according to the mild ways of that country, where they choose to be mild, and the persons are protected by the official influence of

power, under a free custody. He was put under a guard of sepoys, but not confined to his house; he was permitted to go abroad, where he was daily in conference with those who were to judge him; and having an address which seldom fails, and a dexterity never wanting to a man possessed of £700,000, he converted this guard into a retinue of honor: their bayonets were lowered, their muskets laid aside; they attended him with their side-arms, and many with silver verges in their hand, to mark him out rather as a great magistrate attended by a retinue than a prisoner under guard.

When he was ordered to send a vakeel to defend his conduct, he refused to send him. Upon which the commissioners, instead of saying, "If you will not send your agent, we will proceed in our inquiry without him" (and indeed it was not made necessary by the commission that he should be there either by vakeel or otherwise), condescendingly admitted his refusal, and suffered him to come up in person. He accordingly enters the province, attended with his guard, in the manner I have before mentioned, more as a person returning in triumph from a great victory, than as a man under the load of all those enormous charges which I have stated. He enters the province in this manner; and Mr. Paterson, who saw himself lately the representative of the India Company (an old servant of the Company is a great man in that country), was now left naked, destitute, without any mark of official situation or dignity. He was present, and saw all the marks of imprisonment turned into marks of respect and dignity to this consummate villain whom I have the misfortune of being obliged to introduce to your lordships' notice. Mr. Paterson, seeing the effect of the proceeding everywhere,

seeing the minds of the people broken, subdued, and prostrate under it, and that so far from having the means of detecting the villanies of this insolent criminal, appearing as a magistrate, he had not the means of defending even his own innocence, because every kind of information fled and was annihilated before him, represented to these young commissioners, that this appearance of authority tended to strike terror into the hearts of the natives, and to prevent his receiving justice. The council of Calcutta took this representation into their deliberate consideration; they found that it was true, that if he had such an attendance any longer in this situation (and a large attendance it was, such as the Chancellor of this kingdom, or the Speaker of the House of Commons does not appear with), it would have an evil appearance. On the other hand, say they, "If he should be left under a guard, the people would consider him as under disgrace." They therefore took a middle way, and ordered the guard not to attend him with fixed bayonets, which had the appearance of the custody of a prisoner, but to lower their muskets, and unfix their bayonets.

The next step of these commissioners is to exclude Mr. Paterson from all their deliberations; and, in order that both parties might be put on an equality, one would naturally conclude that the culprit Debi Sing was likewise excluded. Far from it: he sat upon the bench. Need I say any more upon this subject? The protection followed.

In this situation, Mr. Paterson wrote one of the most pathetic memorials that ever was penned, to the council of Calcutta, submitting to his hard fate, but standing inflexibly to his virtue, that brought it upon him. To do

the man justice, he bore the whole of this persecution like a hero. He never tottered in his principles, nor swerved to the right or to the left, from the noble cause of justice and humanity in which he had been engaged; and when your lordships come to see his memorials you will have reason to observe that his abilities are answerable to the dignity of his cause, and make him worthy of everything that he had the honor to suffer for it.

To cut short the thread of this shocking series of corruption, oppression, fraud, and chicanery, which lasted for upward of four years, Paterson remains without employment—the inhabitants of great provinces, whose substance and whose blood was sold by Mr. Hastings, remain without redress—and the purchaser, Debi Sing, that corrupt, iniquitous, and bloody tyrant, instead of being proceeded against by the committee in a civil suit for retribution to the sufferers, is handed over to the false semblance of a trial on a criminal charge, before a Mohammedan judge—an equal judge, however. The judge was Mahomed Reza Khan, his original patron, and the author of all his fortunes—a judge who depends on him, as a debtor depends upon his creditor. To that judge is he sent, without a distinct charge, without a prosecutor, and without evidence. The next ships will bring you an account of his honorable acquittal.

I have stated before that I considered Mr. Hastings as responsible for the characters of the people he employed; doubly responsible, if he *knew* them to be bad. I, therefore, charge him with putting in situations in which any evil may be committed, persons of known evil characters.

My lords, I charge him, as chief governor, with destroying the institutions of the country, which were designed to

be, and ought to have been, controls upon such a person as Debi Sing.

An officer, called dewan or steward of the country, had always been placed as a control on the farmer; but that no such control should, in fact, exist—that he, Debi Sing, should be let loose to rapine, slaughter, and plunder in the country, both offices were conferred on him. Did Mr. Hastings vest these offices in him? No; but, if Mr. Hastings had kept firm to the duties which the act of Parliament appointed him to execute, all the revenue appointments must have been made by him; but instead of making them himself he appointed Gunga Govin Sing to make them; and for that appointment, and for the whole train of subordinate villany which followed the placing iniquity in the chief seat of government, Mr. Hastings is answerable. He is answerable, I say, first, for destroying his own legal capacity, and next, for destroying the legal capacity of the council, not one of whom ever had, or could have, any true knowledge of the state of the country from the moment he buried it in the gulf of mystery and of darkness, under that collected heap of villany, Gunga Govin Sing. From that moment he destroyed the power of government, and put everything into his hands; for this he is answerable.

The provincial councils consisted of many members, who, though they might unite in some small iniquities perhaps, could not possibly have concealed from the public eye the commission of such acts as these. Their very numbers, their natural competitions, the contentions that must have arisen among them, must have put a check, at least, to such a business.

And, therefore, Mr. Hastings having destroyed every

check and control above and below—having delivered the whole into the hands of Gunga Govin Sing, for all the iniquities of Gunga Govin Sing he is responsible.

But he did not know Debi Sing, whom he employed. I read yesterday, and trust it is fresh in your lordships' remembrance, that Debi Sing was presented to him by that set of tools, as they call themselves, who acted, as they themselves tell us they must act, entirely and implicitly under Gunga Govin Sing—that is to say, by Gunga Govin Sing himself, the confidential agent of Mr. Hastings.

Mr. Hastings is further responsible, because he took a bribe of £40,000 from some person in power in Dinagepore and Rungpore, the countries which were ravaged in this manner, through the hands of Gunga Govin Sing—through the medium of that very person whom he had appointed to exercise all the authorities of the supreme council above, and of all subordinate councils below. Having, therefore, thus appointed a council of tools in the hands of Gunga Govin Sing, at the expense of £62,000 a year, to supersede all the English provincial authorities—having appointed them for the purpose of establishing a bribe factor-general, a general receiver and agent of bribes, through all that country—Mr. Hastings is responsible for all the consequences of it.

I have thought it necessary, and absolutely necessary it is, to state what the consequence of this clandestine mode of supplying the Company's exigencies was. Your lordships will see that their exigencies are to be supplied by the ruin of the landed interest of a province, the destruction of the husbandmen, and the ruin of all the people in it. This is the consequence of a general bribe-

broker, an agent like Gunga Govin Sing, superseding all the powers and controls of government.

But Mr. Hastings has not only reduced bribery to a system of government practically, but theoretically. For when he despaired any longer of concealing his bribes from the penetrating eye of Parliament, then he took another mode, and declared, as your lordships will see, that it was the best way of supplying the necessities of the East India Company in the pressing exigencies of their affairs; that thus a relief to the Company's affairs might be yielded, which, in the common ostensible mode, and under the ordinary forms of government, and publicly, never would be yielded to them. So that bribery with him became a supplement to exaction.

The best way of showing that a theoretical system is bad is to show the practical mischiefs that it produces; because a thing may look specious in theory, and yet be ruinous in practice; a thing may look evil in theory, and yet be in its practice excellent. Here a thing in theory, stated by Mr. Hastings to be productive of much good, is in reality productive of all those horrible mischiefs I have stated. That Mr. Hastings well knew this, appears from an extract of the Bengal Revenue Consultations, January 21, 1785, a little before he came away.

Mr. Hastings says, "I entirely acquit Mr. Goodlad of all the charges: he has disproved them. It was the duty of the accuser to prove them. Whatever crimes may be established against Rajah Debi Sing, it does not follow that Mr. Goodlad was responsible for them: and I so well know the character and abilities of Rajah Debi Sing, that I can easily conceive that it was in his power both to commit the enormities which are laid to his charge, and

to conceal the grounds of them from Mr. Goodlad, who had no authority but that of receiving the accounts and rents of the district from Rajah Debi Sing, and occasionally to be the channel of communication between him and the committee."

We shall now see what things Mr. Hastings did, what course he was in, a little before his departure; with what propriety and consistency of character he has behaved from the year of the commencement of his corrupt system in 1773 to the end of it, when he closed it in 1785; when the bribes not only mounted the chariot, but boarded the barge, and, as I shall show, followed him down to the Ganges, and even to the sea, and that he never quitted his system of iniquity; but that it survived his political life itself.

One of his last political acts was this:

Your lordships will remember that Mr. Goodlad was sent up into the country, whose conduct was terrible indeed: for that he could not be in place and authority in that country, and be innocent, while such things were doing, I shall prove: but that is not now my consideration.

The Governor-General's minute, just read, is this, "I entirely acquit Mr. Goodlad of all the charges: he has disproved them. It was the duty of the accuser to prove them" (the accuser, namely, the commissioner). "Whatever crimes may be established against Rajah Debi Sing, it does not follow that Mr. Goodlad was responsible for them; and I so well know the character," etc.

Now your lordships perceive he has acquitted Mr. Goodlad. He is clear. Be it, that he is fairly and conscientiously acquitted. But what is Mr. Hastings' account of Rajah Debi Sing? He is presented to him in

1781 by Gunga Govin Sing, as a person against whose character there could be no exception, and by him accepted in that light. Upon the occasion I have mentioned, Mr. Hastings' opinion of him is this: "I so well know the character and abilities of Rajah Debi Sing, that I can easily conceive that it was in his power both to commit the enormities which are laid to his charge, and to conceal the grounds of them from Mr. Goodlad, who had no authority but that of receiving the accounts and rents of the district from Rajah Debi Sing, and occasionally to be the channel of communication between him and the committee."

Thus your lordships see what Mr. Hastings' opinion of Debi Sing was.—We shall prove it at another time, by abundance of clear and demonstrative evidence, that, whether he was bad or no (but we shall prove that bad he was indeed), *even he* could hardly be so bad as he was in the opinion which Mr. Hastings entertained of him; who, notwithstanding, now disowns this mock committee, instituted by himself, but in reality entirely managed by Gunga Govin Sing. This Debi Sing was accepted as an unexceptionable man: and yet Mr. Hastings knows both his power of doing mischief, and his artifice in concealing it. If, then, Mr. Goodlad is to be acquitted, does it not show the evil of Mr. Hastings' conduct in destroying those provincial councils, which, as I have already stated, were obliged to book everything, to minute all the circumstances which came before them, together with all the consultations respecting them? He strikes at the whole system at once, and, instead of it, he leaves an Englishman under pretence of controlling Gunga Govin Sing's agent, appointed for the very purpose of giving him

bribes, in a province where Mr. Hastings says that agent had the power of committing such enormities, and which nobody doubts his disposition to commit.—He leaves him, I say, in such a state of inefficiency, that these iniquities could be concealed (though every one true) from the person appointed there to inspect his conduct! What then could be his business there? Was it only to receive such sums of money as Debi Sing might put into his hands, and which might have been easily sent to Calcutta? Was he to be of use as a communication between Debi Sing and the committee, and in no other way? Here then we have that English authority which Mr. Hastings left in the country: here the native authority which he settled, and the establishment of native iniquity in a regular system under Gunga Govin Sing: here the destruction of all English inspection. I hope I need say no more to prove to your lordships that this system, taken nakedly as it thus stands, founded in mystery and obscurity, founded for the very express purpose of conveying bribes, as the best mode of collecting the revenue, and supplying the Company's exigencies through Gunga Govin Sing, would be iniquitous upon the face and the statement of it. But when your lordships consider what horrid effects it produced, you will easily see what the mischief and abomination of Mr. Hastings' destroying these provincial councils, and protecting these persons, must necessarily be. If you had not known in theory, you must have seen it in practice.

But when both practice and theory concur, there can be no doubt that a system of private bribery for a revenue, and of private agency for a constitutional government, must ruin the country where it prevails, must disgrace the country that uses it, and finally end in the destruction of

the revenue. For what says Mr. Hastings? I was to have received £40,000 in bribes, and £30,000 was actually applied to the use of the Company. Now I hope I shall demonstrate—if not, it will be by some one abler than me demonstrated in the course of this business—that there never was a bribe received by Mr. Hastings that was not instantly followed with a deficiency in the revenue; this is clear, and what we undertake to prove: and that Debi Sing himself was, at the time Mr. Hastings came away, between £20,000 and £30,000 debtor to the Company. So that in truth you always find a deficiency of revenue nearly equal, and in some instances I shall show double, to all the bribes Mr. Hastings received; from whence it will be evident that he never could nor did receive them under that absurd and strange idea of a resource to government.

I must restate to your lordships, because I wish you never to forget, that this committee of revenue was, in their own opinion, and from their own certain knowledge and mere motion, if motion can be attributed originally to instruments, mere tools; that they knew that they were tools in the hands of Gunga Govin Sing. There were two persons principal in it, Mr. Shore, who was the acting president, and Mr. Anderson, who was president in rank and president in emolument, but absent for a great part of the time upon a foreign embassy. It is the recorded opinion of the former, for I must beg leave to read again a part of the paper which has already been read to your lordships, that "the committee, with the best intentions, best abilities, and steadiest application, must after all be a tool in the hands of their dewan."

Now do you believe, in the first place, that men will long have abilities, will long have good intentions, and

will long, above all, have steady application, when they know they are but tools in the hands of another? when they know they are tools for his own corrupt purposes?

In the next place, I must beg leave to state to you, that on the constitution of this committee Mr. Hastings made them all take a solemn oath that they would never receive any present whatever. It was not enough to trust to a general covenant; it was not enough to trust to the penal act of 1773; he bound the committee by a new oath, and forced them to declare that they would not receive any bribes. As soon as he had so secured them against receiving bribes, he was resolved to make them inefficient —a good way to secure them against bribes, by taking from them the power of bribe-worthy service. This was a good counter-security to their oath. But Mr. Hastings put a dewan there, against whom there was no security; he let loose this dewan to frustrate their intentions, their application, their abilities, and oath; that is, there was a person at that board who was more than the board itself, who might riot in peculation and plunder from one end of the country to the other. He was there to receive bribes for Mr. Hastings; the committee were to be pure with impotent hands; and then came a person with ample power for Mr. Hastings himself. And, lest this person should not have power enough in this committee, he is made the general bribe-broker to Mr. Hastings. This secret undercurrent, as your lordships will see, is to counteract everything, and as fast as one part is rendered pure totally to corrupt all the rest.

But, my lords, this was not the private opinion of Mr. Shore only, a man of great abilities, and intimately acquainted with the revenue, who must know when he was

in a situation to do good, and when not. The other gentleman whom I have mentioned, Mr. Hastings' confidant in everything but his bribes, and supposed to be in his closest secrets, is Mr. Anderson. I should remark to your lordships that Mr. Anderson is a man apparently of weak nerves, of modest and very guarded demeanor, as we have seen him in the House of Commons; it is in that way only I have the honor of knowing him. Mr. Anderson being asked whether he agreed in the opinion and admitted the truth of his friend Mr. Shore's statement relative to the dewan of the committee, his answer was this—"I do not think that I should have written it quite so strong, but I do in a great measure agree to it—that is, I think there is a great deal of truth in the observation; I think, in particular, that it would require great exertion in the committee, and great abilities on the part of the president, to restrain effectually the conduct of the dewan; I think it would be difficult for the committee to interpose a sufficient control to guard against all the abuses of the dewan."

There is the real president of the committee—there the most active, efficient member of it. They are both of one opinion concerning their situation; and, I think, this opinion of Mr. Anderson is still more strong; for as he thinks he should have written it with a little more guard, but should have agreed in substance, you must naturally think the strongest expression the truest representation of the circumstance.

There is another circumstance that must strike your lordships relative to this institution. It is where the president says that the use of the president would be to exert his best abilities, his greatest application, his constant guard, for what?—to prevent his dewan from being

guilty of bribery, and being guilty of oppressions. So here is an executive constitution, in which the chief executive minister is to be in such a situation, and of such a disposition that the chief employment of the presiding person in the committee is to guard against him, and to prevent his doing mischief. Here is a man appointed, of the greatest possible power, of the greatest possible wickedness, in a situation to exert that power and wickedness for the destruction of the country; and, without doubt, it would require the greatest ability and diligence in the person at the head of that council to prevent it. Such a constitution, allowed and alleged by the persons themselves who composed it, was, I believe, never heard of in the world.

Now that I have done with this part of the system of bribery, your lordships will permit me to follow Mr. Hastings to his last parting scene. He parted with his power, he parted with his situation, he parted with everything, but he never could part with Gunga Govin Sing. He was on his voyage, he had embarked, he was upon the Ganges, he had quitted his government; and his last dying sigh, his last parting voice, was Gunga Govin Sing. It ran upon the banks of the Ganges, as another plaintive voice ran upon the banks of another river (I forget whose); his last accents were Gunga, Gunga Govin Sing. It demonstrates the power of friendship.

It is said by some idle, absurd moralists, that friendship is a thing that cannot subsist between bad men; but I will show your lordships the direct contrary; and, after having shown you what Gunga Govin Sing was, I shall bring before you Mr. Hastings' last act of friendship for him. Not that I have quite shown you everything, but pretty well, I

think, respecting this man. There is a great deal concerning his character and conduct that is laid by; and I do believe that whatever time I should take in expatiating upon these things, there should be "in the lowest deep still a lower deep"; for there is not a day of the inquiry that does not bring to light more and more of this evil against Mr. Hastings.

But, before I open the papers relative to this act of Mr. Hastings' friendship for Gunga Govin Sing, I must restate some circumstances that your lordships may understand thoroughly the nature of it. Your lordships may recollect that about the time of the succession of the minor Rajah of Dinagepore, who was then but five or six years of age, and, when Mr. Hastings left Bengal, eight or nine, Mr. Hastings had received from that country a bribe of about £40,000. There is a fidelity even in bribery—there is a truth and observance even in corruption; there is a justice, that, if money is to be paid for protection, protection should be given. My lords, Mr. Hastings received this bribe through Gunga Govin Sing; then, at least through Gunga Govin Sing, he ought to take care that that Rajah should not be robbed; that he should not be robbed if Gunga Govin Sing could help it; that above all he should not be robbed by Gunga Govin Sing himself.—But your lordships will find that the last act of Mr. Hastings' life was to be an accomplice in the most cruel and perfidious breach of faith, in the most iniquitous transaction, that I do believe ever was held out to the indignation of the world with regard to private persons. When he departed on the 16th of February, 1785, when he was on board in the mouth of the Ganges, and preparing to visit his native country, let us see what the last act

of his life then was. Hear the last tender accents of the dying swan upon the Ganges: "The regret which I cannot but feel in relinquishing the service of my honorable employers would be much embittered were it accompanied by the reflection that I have neglected the merits of a man who deserves no less of them than of myself, Gunga Govin Sing, who from his earliest youth had been employed in the collection of the revenues, and was about eleven years ago selected for his superior talents to fill the office of dewan to the Calcutta committee. He has from that time, with a short intermission, been the principal native agent in the collection of the Company's revenues; and I can take upon myself to say that he has performed the duties of his office with fidelity, diligence and ability. To myself he has given proofs of a constancy and attachment, which neither the fears nor expectations excited by the prevalence of different influence could shake; and at a time too when these qualities were so dangerous that, far from finding them among the generality of his countrymen, I did not invariably meet with them among my own. With such a sense of his merits, it is natural that I should feel a desire of rewarding him; for justice, gratitude, generosity, and even policy demand it: and I resort to the board for the means of performing so necessary a duty, in full confidence that, as those which I shall point out are neither incompatible with the Company's interest nor prejudicial to the rights of others, they will not be withheld from me. At the request, therefore, of Gunga Govin Sing I deliver the accompanying durkausts, or petitions, for grants of lands lying in different districts; the total jumma, or rent, of which amount to rupees 238,061. 12. 1."

Your lordships recollect that Mr. Larkins was one of

the bribe agents of Mr. Hastings; one, I mean, of a corporation, but not corporate in their acts. My lords, Mr. Larkins has told you, he has told us, and he has told the court of directors, that Mr. Hastings parted in a quarrel with Gunga Govin Sing because he had not faithfully kept his engagement with regard to his bribe; and that, instead of £40,000 from Dinagepore, he had only paid him £30,000. My lords, that iniquitous men will defraud one another I can conceive; but you will perceive by Mr. Hastings' behavior at parting, that he either had in fact received this money from Gunga Govin Sing, or in some way or other had abundant reason to be satisfied; that he totally forgot his anger upon this occasion, and that at parting his last act was to ratify *grants of lands* (so described by Mr. Hastings) to Gunga Govin Sing. Your lordships will recollect the tender and forgiving temper of Mr. Hastings. Whatever little bickerings there might have been between them about their small money concerns, the purifying waters of the Ganges had washed away all sins, enmities, and discontent. By some of those arts which Gunga Govin Sing knows how to practice (I mean conciliatory honest arts) he had fairly wiped away all resentment out of Mr. Hastings' mind; and he, who so long remembered the affront offered him by Cheit Sing, totally forgets Gunga Govin Sing's fraud of £10,000, and attempts to make others the instruments of giving him what he calls his reward.

Mr. Hastings states among Gunga Govin's merits, that he had, from the time of its institution, and with a very short intermission, served the office of dewan to the Calcutta committee. That short intermission was, when he was turned out of office upon proof of peculation and

embezzlement of public money; but of this cause of the intermission in the political life and political merits of Gunga Govin Sing Mr. Hastings does not tell you.

Your lordships shall now hear what opinion a member of the provincial council at Calcutta, in which he had also served, had of him. "Who is Gunga Govin Sing?" The answer is: "He was, when I left Bengal, dewan to the committee of revenue. What was his office and power during Mr. Hastings' administration since 1780?—He was formerly dewan to the provincial council stationed at Calcutta, of which I was a member. His conduct then was licentious and unwarrantable, oppressive and extortionary. He was stationed under us to be a humble and submissive servant, and to be of use to us in the discharge of our duty. His conduct was everything the reverse. We endeavored to correct the mischiefs he was guilty of as much as possible. In one attempt to release fifteen persons illegally confined by him, we were dismissed our offices; a different pretence was held out for our dismission, but it was only a pretence. Since his appointment as dewan to the present committee of revenue, his line of conduct has only been a continuance of what I have described, but upon a larger scale. What was the general opinion of the natives of the use he made of his power?—He was looked up to by the natives as the second person in the government, if not the first. He was considered as the only channel for obtaining favor and employment from the Governor. There is hardly a native family of rank or credit within the three provinces whom he has not some time or other distressed and afflicted; scarce a zemindary that he has not dismembered and plundered. Were you in a situation to know this to be true?—I certainly was.

What was the general opinion, and your own, concerning his wealth?—It is almost impossible to form a competent judgment, his means of acquiring it have been so extensive. I had an account shown to me about July, 1785, stating his acquisitions at three hundred and twenty lacs of rupees, that is, £3,200,000."

My lords, I have only to add, that, from the best inquiries I have been able to make, those who speak highest of his wealth are those who obtain the greatest credit. The estimate of any man's wealth is uncertain; but the enormity of his wealth is universally believed: yet Mr. Hastings seemed to act as if he needed a reward; and it is therefore necessary to inquire what recommended him particularly to Mr. Hastings. Your lordships have seen that he was on the point of being dismissed for misbehavior and oppression by that Calcutta committee, his services to which Mr. Hastings gives as one proof of his constant and uniform good behavior. "He had executed," he says, "the duties of his office with fidelity, diligence, and ability." These are his public merits; but he has private merits—"To myself," he says, "he has given proofs of constancy and attachment."

Now we, who have been used to look very diligently over the Company's records, and to compare one part with another, ask what those services were which have so strongly recommended him to Mr. Hastings, and induced him to speak so favorably of his public services. What those services are does not appear; we have searched the records for them (and those records are very busy and loquacious), about that period of time, during which Mr. Hastings was laboring under an eclipse, and near the dragon's mouth, and all the drums of Bengal

beating to free him from this dangerous eclipse. During this time there is nothing publicly done, there is nothing publicly said, by Gunga Govin Sing. There were then some services of Gunga Govin Sing that lie undiscovered, which he takes as proofs of attachment. What could they be? they were not public; nobody knows anything of them; they must, by reference to the time, as far as we can judge of them, be services of concealment. Otherwise, in the course of this business it will be necessary, and Mr. Hastings will find occasion, to show what those personal services of Gunga Govin Sing to him were. *His* services to Gunga Govin Sing were pretty conspicuous; for, after he was turned out for peculation, Mr. Hastings restored him to his office; and when he had imprisoned fifteen persons illegally and oppressively, and when the council were about to set them at liberty, they were set at liberty themselves; they were dismissed their offices. Your lordships see, then, what his public services were. His private services are unknown; they must be, as we conceive from their being unknown, of a suspicious nature; and I do not go further than suspicion, because I never heard, and I have not been without attempts to make the discovery, what those services were that recommended him to Mr. Hastings.

Having looked at his public services, which are well-known scenes of wickedness, barbarity, and corruption, we next come to see what his reward is. Your lordships hear what reward he thought proper to secure for himself; and, I believe, a man who has power like Gunga Govin Sing, and a disposition like Gunga Govin Sing, can hardly want the means of rewarding himself; and if every virtue rewards itself, and virtue is said to be its own re-

ward, the virtue of Gunga Govin Sing was in a good way of seeking its own reward. Mr. Hastings, however, thought it was not right that such a man should reward himself; but that it was necessary for the honor and justice of government to find him a reward. Then the next thing is, what that reward shall be. It is a grant of lands. Your lordships will observe that Mr. Hastings declares some of these lands to be unoccupied, others occupied, but not by the just owners. Now these were the very lands of the Rajah of Dinagepore, from whence he had taken the bribe of £40,000. My lords, this was a monstrous thing. Mr. Hastings had the audacity, as his parting act, when he was coming to England, and ought to have expected (whatever he did expect) the responsibility of this day—he was, I say, shameless enough, not only to give this recommendation, but to perpetuate the mischiefs of his reign, as he has done, to his successors; for he has really done so by making it impossible almost to know anything of the true state of that country: and he has thereby made them much less responsible and criminal than before in any ill acts they may have done since his time. But Mr. Hastings not only recommends and backs the petition of Gunga Govin Sing with his parting authority, which authority he made the people there believe would be greater in England than it was in India, but he is an evidence; he declares that "to his own knowledge these lands are vacant, and confessedly, therefore, by the laws of this as well as of most other countries, in the absolute gift of government."

My lords (as I said), Mr. Hastings becomes a witness, and, I believe, in the course of the proceedings you will find, a false witness, for Gunga Govin Sing. "To my

own knowledge," says he, "they are vacant." Why, I cannot find that Mr. Hastings had ever been in Dinagepore; or, if he had, it must have been only as a passenger. He had not the supervision of the district in any other sense than with that kind of eagle eye which he must have had over all Bengal, and which he had for no other purposes than those for which eagles' eyes are commonly used. He becomes, you see, a witness for Gunga Govin Sing, and orders to be given him, as a recompense for all the iniquitous acts this man committed, the lands of that very Rajah who through the hands of Gunga Govin Sing had given an enormous bribe to Mr. Hastings. These lands were not without an ownership, but were lands in the hands of the Rajah, and were to be severed from the zemindary and given to Gunga Govin Sing. The manner of obtaining them is something so shocking, and contains such a number of enormities completed in one act, that one can scarce imagine how such a compound could exist.

This man, besides his office of dewan to the Calcutta committee, which gave him the whole management and power of the revenue, was, as I have stated, at the head of all the registers in the kingdom, whose duty it was to be a control upon him as dewan. As Mr. Hastings destroyed every other constitutional settlement of the country, so the office which was to be a check upon Gunga Govin Sing, namely, the register of the country, had been superseded, and revived in another shape, and given to the own son of this very man. God forbid that a son should not be under a certain and reasonable subordination! But though in this country we know a son may possibly be free from the control of his father, yet

the meanest slave is not in a more abject condition of slavery than a son is in that country to his father; for it extends to the power of a Roman parent. The office of register is to take care that a full and fair rent is secured to government; and above all it is his business to take care of the body of laws, the royjaun mulluck, or custom of the country, of which he is the guardian as the head of the law. It was his business to secure that fundamental law of the government, and fundamental law of the country, that a zemindary cannot be split, or any portion of it separated, without the consent of the government. This man betrayed his trust, and did privately, contrary to the duty of his office, get this minor Rajah, who was but an infant, who was but nine years old at the time, to make over to him a part of his zemindary, to a large amount, under color of a fraudulent and fictitious sale. By the laws of that country, by the common laws of nature, the act of this child was void. The act was void as against the government, by giving a zemindary without the consent of the government to the very man who ought to have prevented such an act: he has the same sacred guardianship of minors that the Chancellor of England has. This man got to himself those lands by a fraudulent and probably forged deed, for that is charged too; but whether it was forged or not, this miserable minor was obliged to give the lands to him; he did not dare to quarrel with him upon such an article, because he who would purchase could take.

The next step was to get one of his nearest relations to seem to give a consent; because taking it of the minor was too gross. The relation, who could no more consent by the law of that country than the law of this, gave ap-

parently his consent. And these were the very lands that Mr. Hastings speaks of as "lands entirely at the disposal of government." All this came before the council. The moment Mr. Hastings was gone, India seemed a little to respire; there was a vast oppressive weight taken off it—there was a mountain removed from its breast; and persons did dare then, for the first time, to breathe their complaints. And accordingly, this minor Rajah got some person kind enough to tell him that he was a minor—that he could not part with his estate; and this, with the other shocking and illegal parts of the process, was stated by him to the council, who had Mr. Hastings' recommendation of Gunga Govin Sing before them. The council, shocked to see a minor attempted to be dispossessed in such a manner by him who was the natural guardian of all minors, shocked at such an enormous daring piece of iniquity, began to inquire further, and to ask, how came this his near relation to consent? He was apparently partner in the fraud. Partner in the fraud he was, but not partner in the profit; for he was to do it without getting anything for it; the wickedness was in him, and the profit in Gunga Govin Sing. In consequence of this inquiry, the man comes down to account for his conduct, and declares another atrocious iniquity, that shows you the powers which Gunga Govin Sing possessed.—"Gunga Govin Sing," says he, "is master of the country; he had made a great festival for the burial of his mother; all those of that caste ought to be invited to the funeral festival; he would have disgraced me forever, if I had not been invited to that funeral festival." These funeral festivals, you should know, are great things in that country, and celebrated in this manner, and, you may depend upon it, in a royal

manner, by him, upon burying his mother: any person left out was marked, despised, and disgraced. "But he had it in his power, and I was threatened to be deprived of my caste by his register, who had the caste in his absolute disposition." Says he, "I was under terror, I was under duress, and I did it."

Gunga Govin Sing was fortified by the opinion that the governor, though departed, virtually resided in that country. God grant that his power may be extirpated out of it now! I doubt it; but, most assuredly, it was residing in its plenitude when he departed from thence; and there was not a man in India who was not of opinion, either that he was actually to return to govern India again, or that his power is such in England as that he might govern it here. And such were the hopes of those who had intentions against the estates of others. Gunga Govin Sing, therefore, being pressed to the wall by this declaration of the Rajah's relation, when he could say nothing against it, when it was clear and manifest, and there were only impudent, barefaced denials and asseverations against facts which carried truth with themselves, did not in his answer pretend to say that a zemindary might be parted without the consent of the government—that a minor might be deprived of it—that the next relation had a power of disposing of it. He did indeed say, but nobody believed him, that he had used no force upon this relation; but as every one knew the act would be void, he was driven to Mr. Hastings' great refuge; he was driven to say, "the government in this country has arbitrary power—the power of government is everything—the right of the subject nothing—they have at all times separated zemindaries from their lawful proprietors. Give me what Mr. Hastings

has constantly given to other people without any right, or shadow or semblance of right, at all."—God knows, it is well that I walk with my authority in my hand; for there are such crimes, such portentous, incredible crimes, to be brought before your lordships, that it would hardly be believed, were it not that I am constantly, as I hope I shall constantly be, guarded with evidence, and that the strongest that can be, even the evidence of the parties themselves.

"From your inquiry (Gunga Govin Sing says to the council) every circumstance will appear in its true colors. With respect to the alienation of parts of zemindaries, the extent and consequence of the great zemindars depend in a great measure on the favor and countenance of the ruling powers.

"By what means did this zemindar of Dinagepore get possession of purgunnah Buttassim after the death of Rycobad Chowdry, in 1158; of purgunnah Coolygong after the death of Sahebrance Chowderanne, in the same year, notwithstanding his heirs existed; and of purgunnah Suntoe, etc., during the lifetime of Sumboonant, the zemindar, in 1167—all without right, title, or pecuniary consideration? This has been the case with many purgunnahs in his zemindary, and indeed exists in many other zemindaries besides, since the Company's accession. Ramkissen, in 1172, got possession of Nurrulloor, the zemindary of Mahomed Ali: the purgunnah of Ichanguipore, etc., was in three divisions, in 1173. The petition of Govin Deo Sheopersaud was made over to the son of Bousser Chowdry, possessor of the third share. Purgunnah Baharbund belonged to the zemindary of Ranny Bhowanny, and, in 1180, was made over to Lucknaut Nundy. All these

changes took place in the lifetime of the rightful possessors, without right, title, or purchase."

Your lordships have not heard before of Lucknaut Nundy. He was the son of a person of whom your lordships have heard before, called Cantoo Baboo, the banyan of Mr. Hastings. Mr. Hastings has proved in abundance of other cases that a grant to father and son is the same thing. The fathers generally take out grants in the names of their sons; and the Ranny Bhowanny, possessing the zemindary of Radshi, an old lady of the first rank and family in India, was stripped of a part of her zemindary, and it was given to Lucknaut Nundy, the son of Mr. Hastings' banyan; and then (you see the consequence of good examples) comes Gunga Govin Sing, and says, I am as good a man as he; there is a zemindary given; then do as much for Gunga Govin Sing as you have done for Cantoo Baboo. Here is an argument drawn from the practice of Mr. Hastings. And this shows your lordships the necessity of suppressing such iniquities by punishing the author of them. You will punish Mr. Hastings; and no man will hereafter dare to rob minors, no man will hereafter dare to rob widows, to give to the vilest of mankind, their own base instruments, for their own nefarious purposes, the lands of others without right, title, or purchase.

My lords, I will not after this state to you the false representation of the value of these lands, which this man gave in to government. He represented it to be much less than it was, when he desired the grant of them, as shall be stated when it comes before your lordships, at the proper time. But at present I am only touching upon principles, and bringing examples so far as

they illustrate principles, and to show how precedents spread.

I believe your lordships will conceive better of the spirit of these transactions by my intermixing with them, as I shall endeavor to do, as much as possible of the grounds of them. I will venture to say, that no description that I can give, no painting, if I was either able or willing to paint, could make these transactions appear to your lordships with the strength which they have in themselves; and your lordships will be convinced of this, when you see, what nobody could hardly believe, that a man can say, "It was given to others without right, title, or purchase; give it to me without right, title, or purchase—give me the estates of minors without right, title, or purchase, because Mr. Hastings gave the estates of widows without right, title, or purchase."

Of this exemplary grant, of this pattern for future proceedings, I will show your lordships the consequence.

I will read to your lordships part of the examination of a witness, taken from a report of a committee of the House of Commons.

"Are you acquainted with the situation of the zemindary of Baharbund?—It lies to the eastward of Dinagepore and Rungpore. I was stationed in that neighborhood. To whom did it originally belong?—I believe, to the zemindary of Radshi, belonging to Ranny Bhowanny. For what reason was it taken from the Ranny of Radshi and given to Cantoo Baboo?—I do not exactly recollect: I believe, on some plea of incapacity or insufficiency in her to manage it, or some pretended decline in the revenue, owing to mismanagement. On what terms was it granted to Cantoo Baboo or his son?—I believe it was a grant in perpetu-

ity, at the revenue of rupees 82,000 or 83,000 per annum. What amount did he collect from the country?—I cannot tell. The year I was in that neighborhood, the settlement with his under-tenants was something about 3,53,000 rupees. The inhabitants of the country objected to it. They assembled in a body of about five thousand, and were proceeding to Calcutta to make known their grievances to the committee of revenue. They were stopped at Cossimbuzar by Noor Sing Baboo, the brother of Cantoo Baboo, and there the matter was compromised, in what manner I cannot say."

Your lordships see, Mr. Hastings' banyan got this zemindary belonging to this venerable lady, unable to protect herself; that it was granted to him without right, title, or purchase. To show you that Mr. Hastings had been in a constant course of such proceeding, here is a petition from a person called . . . . . for some favor from government, which it is not necessary now to state. In order to make good his claim, he states what nobody denied, but which is universally known in fact. Says he, "I have never entertained any such intention or idea," that is, of seizing upon other people's zemindaries, "neither am I at all desirous of acquiring any other person's zemindary in this country," etc. . . .

[*The document read here is wanting, ending*] "as several Calcutta banyans have done," etc. . . .

He states it as a kind of constant practice, by which the country had been robbed under Mr. Hastings, known and acknowledged to be so, to seize upon the inheritance of the widow and the fatherless. In this manner did Gunga Govin Sing govern himself upon the direct precedent of Cantoo Baboo, the banyan of Mr. Hastings; and this other

instrument of his in like manner calls upon government for favor of some kind or other, upon the same principle and the same precedent.

Your lordships now see how necessary it was to say something about arbitrary power: for, first, the wicked people of that country (Mr. Hastings' instruments I mean) pretend right, title, purchase, grant; and when their frauds in all these legal means are discovered, then they fly off and have recourse to arbitrary power; and say, It is true, I can make out no right, title, grant, or purchase; the parties are minors; I am bound to take care of their right; but you have arbitrary power: you have exercised it upon other occasions; exercise it upon this; give me the rights of other people. This was the last act, and, I hope, will be the last act of Mr. Hastings' wicked power, done by the wickedest man in favor of the wickedest man, and by the wickedest means, which failed upon his own testimony.

To bring your lordships to the end of this business, which I hope will lead me very near to the end of what I have to trouble your lordships with; I will now state the conduct of the council, and the resolution about Gunga Govin Sing. I am to inform your lordships that there was a reference made by the council to the committee of revenue, namely, to Gunga Govin Sing himself; a reference with regard to the right, title, mode, and proceeding, and many other circumstances; upon which the committee, being such as I have described, very naturally were silent. Gunga Govin Sing *loquitur solus*—in the manner you have just heard; the committee were the chorus; they sometimes talk—fill up a vacant part, but Gunga Govin Sing was the great actor, the sole one. The report of this

committee being laid before the council, Mr. Stables, one of the board, entered the following minute on the fifteenth of May, 1785: "I have perused the several papers upon this subject, and am sorry to observe that the committee of revenue are totally silent on the most material points therein, and sending the petition to them has only been so much time thrown away—I mean, on the actual value of the lands in question: what the amount derived from them has been in the last year, and what advantages or disadvantages to government by the sale; and whether, in their opinion, the supposed sale was compulsive or not. But it is not necessary for the discussion of the question respecting the regularity or irregularity of the pretended sale of Salbarry to Gunga Govin Sing, the dewan, to enter into the particular assertions of each party.

"The representations of the Rajah's agent, confirmed by the petitions of his principal, positively assert the sale to have been compulsive and violent; and the dewan as positively denies it, though the fears he expresses, '*that their common enemies would set aside the act before it was complete*,' show clearly that they were sensible the act was unjustifiable, if they do not tend to falsify his denial.

"But it is clearly established and admitted by the language and writings of both parties, that there has been a most unwarrantable collusion in endeavoring to alienate the rights of government, contrary to the most positive original laws of the constitution of these provinces, 'that no zemindar, and other landholder, paying revenue to government, shall be permitted to alienate his lands, without the express authority of that government.'

"The defence set up by Gunga Govin Sing does not go to disavow the transaction; for if it did, the deed of

sale, etc., produced by himself, and the petition to the board for its confirmation, would detect him; on the contrary, he openly admits its existence, and only strives to show that it was a voluntary one on the part of the Ranny and the servants of the Rajah. Whether voluntary or not, was equally criminal in Gunga Govin Sing, as the public officer of government, because diametrically opposite to the positive and repeated standing orders of that government for the rule of his conduct, as dewan and native guardian of the public rights intrusted especially to his care; because it was his duty, not only not to be guilty of a breach of those rules himself, but as dewan, and exercising the efficient office of canongoe, to prevent, detect, expose, and apprise his employers of every instance attempted to the contrary; because it was his duty to prevent the government being defrauded, and the Rajah, a child of nine years old, robbed of his hereditary possessions, as he would have been if this transaction had not been detected; whereas, on the contrary, the dewan is himself the principal mover and sole instrument in that fraud and robbery, if I am rightly informed,[1] to the amount of 42,474 rupees in perpetuity, by which he alone was to benefit; and because he has even dared to stand forward in an attempt to obtain our sanction, and thereby make us parties to (in my opinion) a false deed and fraudulent transaction, as his own defence now shows the bill of sale and all its collateral papers to be.

"If offences of this dark tendency and magnitude were

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[1] Vakeel states Mofussil Jumma, of Salbarry, for 1,191 Sa Rs 96,229
Purchase money 53,755

Per annum, loss 42,474

not to be punished in a public manner, the high example here set the natives employed under the government by their first native officer would very soon render our authority contemptible, and operate to the destruction of the public revenues.—I will not dwell further on the contradictions in these papers before us on this subject.

"But I beg leave to point out how tenacious the government have been of insuring implicit obedience to their rules on this subject in particular, and in prohibiting conduct like that here exhibited against their public officer, and how sacredly they have viewed the public institutes on this subject, which have been violated and trampled on; and it will suffice to show their public orders on a similar instance, which happened some time ago, and which the dewan, from his official situation, must have been a party in detecting.

"I desire the board's letter to the committee on this subject, dated the 31st of May, 1782, may be read, and a copy be annexed to this minute.

"I therefore move the board, that Gunga Govin Sing may be forthwith required to surrender the original deeds produced by him, as a title to the grant of Salbarry, in order that they may be returned to the Rajah's agents, to be made null and void.

"I further move the board, that the dewan Gunga Govin Sing, together with his naib Prawn Kishin Sing, his son, and all his dependants, be removed from their offices, and that the roy royan, Rajah Rajebullub, whose duty only Gunga Govin Sing virtually is to perform, be reinstated in the exercise of the duties of his department; and that Gunga Govin Sing be ordered to deliver up all official papers of the sircar to the committee of revenue and the

roy royan, and that they be ordered accordingly to take charge of them, and finally settle all accounts."—This motion was overruled, and no final proceeding appears.

My lords, you have heard the proceedings of the court before which Gunga Govin Sing thought proper to appeal, in consequence of the power and protection of Mr. Hastings being understood to exist after he left India, and authenticated by his last parting deed. Your lordships will judge by that last act of Mr. Hastings what the rest of his whole life was.—My lords, I do not mean now to go further than just to remind your lordships of this, that Mr. Hastings' government was one whole system of oppression, of robbery of individuals, of destruction of the public, and of suppression of the whole system of the English government, in order to vest in the worst of the natives all the powers that could possibly exist in any government, in order to defeat the ends which all governments ought in common to have in view. Thus, my lords, I show you, at one point of view, what you are to expect from him in all the rest. I have, I think, made out as clear as can be to your lordships, so far as it was necessary to go, that his bribery and peculation was not occasional, but habitual; that it was not urged upon him at the moment, but was regular and systematic. I have shown to your lordships the operation of such a system on the revenues.

My lords, Mr. Hastings pleads one constant merit to justify those acts; namely, that they produce an increase of the public revenue; and accordingly he never sells to any of those wicked agents any trusts whatever in the country, that you do not hear that it will considerably tend to the increase of the revenue.—Your lordships will

see, when he sold to wicked men the province of Bahar, in the same way in which Debi Sing had this province of Dinagepore, that consequences of a horrid and atrocious nature (though not to so great an extent) followed from it. I will just beg leave to state to your lordships, that the kingdom of Bahar is annexed to the kingdom of Bengal; that this kingdom was governed by another provincial council; that he turned out that provincial council, and sold that government to two wicked men—one of no fortune at all, and the other of a very suspicious fortune; one a total bankrupt, the other justly excommunicated for his wickedness in his country, and then in prison for misdemeanors in a subordinate situation of government.

Mr. Hastings destroyed the council that imprisoned him; and, instead of putting one of the best and most reputable of the natives to govern it, he takes out of prison this excommunicated wretch, hated by God and man—this bankrupt, this man of evil and desperate character, this mismanager of the public revenue in an inferior station; and, as he had given Bengal to Gunga Govin Sing, he gave this province to Rajahs Kelleram and Cullian Sing.

It was done upon this principle, that they would increase and very much better the revenue. These men seemed to be as strange instruments for improving a revenue as ever were chosen, I suppose, since the world began. Perhaps their merit was giving a bribe of £40,000 to Mr. Hastings. How he disposed of it I don't know. He says, I disposed of it to the public, and it was in a case of emergency. You will see in the course of this business the falsehood of that pretence; for you will see, though the obligation is given for it as a round sum of

money, that the payment was not accomplished till a year after; that therefore it could not answer any immediate exigence of the Company. Did it answer in an increase of the revenue?—The very reverse. Those persons who had given this bribe of £40,000, at the end of that year were found £80,000 in debt to the Company. The Company always loses when Mr. Hastings takes a bribe; and when he proposes an increase of the revenue, the Company loses often double. But I hope and trust your lordships will consider this idea of a monstrous rise of rent, given by men of desperate fortunes and characters, to be one of the grievances, instead of one of the advantages, of this system.

It has been necessary to lay these facts before you (and I have stated them to your lordships far short of their reality, partly through my infirmity, and partly on account of the odiousness of the task of going through things that disgrace human nature), that you may be enabled fully to enter into the dreadful consequences which attend a system of bribery and corruption in a governor-general. On a transient view bribery is rather a subject of disgust than horror—the sordid practice of a venal, mean, and abject mind; and the effect of the crime seems to end with the act. It looks to be no more than the corrupt transfer of property from one person to another; at worst a theft. But it will appear in a very different light, when you regard the consideration for which the bribe is given; namely, that a governor-general, claiming an arbitrary power in himself, for that consideration delivers up the properties, the liberties, and the lives of a whole people to the arbitrary discretion of any wicked and rapacious person, who will be sure to make good from their blood

the purchase he has paid for his power over them. It is possible that a man may pay a bribe merely to redeem himself from some evil. It is bad, however, to live under a power whose violence has no restraint except in its avarice. But no man ever paid a bribe for a power to charge and tax others, but with a view to oppress them. No man ever paid a bribe for the handling of the public money, but to peculate from it. When once such offices become thus privately and corruptly venal, the very worst men will be chosen (as Mr. Hastings has in fact constantly chosen the very worst), because none but those who do not scruple the use of any means are capable, consistently with profit, to discharge at once the rigid demands of a severe public revenue and the private bribes of a rapacious chief magistrate. Not only the worst men will be thus chosen, but they will be restrained by no dread whatsoever in the execution of their worst oppressions. Their protection is sure: the authority that is to restrain, to control, to punish them, is previously engaged; he has his retaining fee for the support of their crimes. Mr. Hastings never dared, because he could not, arrest oppression in its course, without drying up the source of his own corrupt emolument. Mr. Hastings never dared, after the fact, to punish extortion in others, because he could not, without risking the discovery of bribery in himself. The same corruption, the same oppression, and the same impunity will reign through all the subordinate gradations.

A fair revenue may be collected without the aid of wicked, violent, and unjust instruments. But when once the line of just and legal demand is transgressed, such instruments are of absolute necessity; and they comport themselves accordingly. When we know that men must

be well paid (and they ought to be well paid) for the performance of honorable duty, can we think that men will be found to commit wicked, rapacious, and oppressive acts with fidelity and disinterestedness, for the sole emolument of dishonest employers? No; they must have their full share of the prey, and the greater share as they are the nearer and more necessary instruments of the general extortion. We must not therefore flatter ourselves, when Mr. Hastings takes £40,000 in bribes for Dinagepore and its annexed provinces, that from the people nothing more than £40,000 is extorted. I speak within compass, four times forty must be levied on the people; and these violent sales, fraudulent purchases, confiscations, inhuman and unutterable tortures, imprisonment, irons, whips, fines, general despair, general insurrection, the massacre of the officers of revenue by the people, the massacre of the people by the soldiery, and the total waste and destruction of the finest provinces in India, are things of course, and all a necessary consequence involved in the very substance of Mr. Hastings' bribery.

I, therefore, charge Mr. Hastings with having destroyed, for private purposes, the whole system of government by the six provincial councils, which he had no right to destroy.

I charge him with having delegated to others that power which the act of Parliament had directed him to preserve inalienably in himself.

I charge him with having formed a committee to be mere instruments and tools, at the enormous expense of £62,000 per annum.

I charge him with having appointed a person their dewan, to whom these Englishmen were to be subservient

tools; whose name, to his own knowledge, was by the general voice of India, by the general recorded voice of the Company, by recorded official transactions, by everything that can make a man known, abhorred, and detested, stamped with infamy; and with giving him the whole power which he had thus separated from the council-general and from the provincial councils.

I charge him with taking bribes of Gunga Govin Sing.

I charge him with not having done that bribe service which fidelity even in iniquity requires at the hands of the worst of men.

I charge him with having robbed those people of whom he took the bribes.

I charge him with having fraudulently alienated the fortunes of widows.

I charge him with having without right, title, or purchase, taken the lands of orphans, and given them to wicked persons under him.

I charge him with having removed the natural guardians of a minor Rajah, and with having given that trust to a stranger, Debi Sing, whose wickedness was known to himself and all the world; and by whom the Rajah, his family and dependants were cruelly oppressed.

I charge him with having committed to the management of Debi Sing three great provinces; and thereby, with having wasted the country, ruined the landed interest, cruelly harassed the peasants, burned their houses, seized their crops, tortured and degraded their persons, and destroyed the honor of the whole female race of that country.

In the name of the Commons of England, I charge all

this villany upon Warren Hastings, in this last moment of my application to you.

My lords, what is it that we want here to a great act of national justice? Do we want a cause, my lords? You have the cause of oppressed princes, of undone women of the first rank, of desolated provinces, and of wasted kingdoms.

Do you want a criminal, my lords? When was there so much iniquity ever laid to the charge of any one?—No, my lords, you must not look to punish any other such delinquent from India.—Warren Hastings has not left substance enough in India to nourish such another delinquent.

My lords, is it a prosecutor you want?—You have before you the Commons of Great Britain as prosecutors; and, I believe, my lords, that the sun in his beneficent progress round the world does not behold a more glorious sight than that of men, separated from a remote people by the material bounds and barriers of nature, united by the bond of a social and moral community—all the Commons of England resenting, as their own, the indignities and cruelties that are offered to all the people of India.

Do we want a tribunal? My lords, no example of antiquity, nothing in the modern world, nothing in the range of human imagination, can supply us with a tribunal like this. My lords, here we see virtually in the mind's eye that sacred majesty of the crown, under whose authority you sit, and whose power you exercise. We see in that invisible authority, what we all feel in reality and life, the beneficent powers and protecting justice of his Majesty. We have here the heir-apparent to the crown, such as the fond wishes of the people of England wish an heir-apparent

of the crown to be. We have here all the branches of the royal family in a situation between majesty and subjection, between the sovereign and the subject—offering a pledge in that situation for the support of the rights of the crown and the liberties of the people, both which extremities they touch. My lords, we have a great hereditary peerage here; those who have their own honor, the honor of their ancestors, and of their posterity, to guard; and who will justify, as they have always justified, that provision in the Constitution by which justice is made a hereditary office. My lords, we have here a new nobility, who have risen and exalted themselves by various merits, by great military services, which have extended the fame of this country from the rising to the setting sun: we have those who by various civil merits and various civil talents have been exalted to a situation which they well deserve, and in which they will justify the favor of their sovereign, and the good opinion of their fellow-subjects, and make them rejoice to see those virtuous characters, that were the other day upon a level with them, now exalted above them in rank, but feeling with them in sympathy what they felt in common with them before. We have persons exalted from the practice of the law, from the place in which they administered high though subordinate justice, to a seat here, to enlighten with their knowledge and to strengthen with their votes those principles which have distinguished the courts in which they have presided.

My lords, you have here also the lights of our religion; you have the bishops of England. My lords, you have that true image of the primitive church in its ancient form, in its ancient ordinances, purified from the superstitions and the vices which a long succession of ages will bring upon

the best institutions. You have the representatives of that religion which says that their God is love, that the very vital spirit of their institution is charity; a religion which so much hates oppression, that when the God whom we adore appeared in human form, he did not appear in a form of greatness and majesty, but in sympathy with the lowest of the people—and thereby made it a firm and ruling principle, that their welfare was the object of all government; since the person, who was the Master of Nature, chose to appear himself in a subordinate situation. These are the considerations which influence them, which animate them, and will animate them, against all oppression; knowing that he who is called first among them, and first among us all, both of the flock that is fed and of those who feed it, made himself "the servant of all."

My lords, these are the securities which we have in all the constituent parts of the body of this House. We know then, we reckon, we rest upon them, and commit safely the interests of India and of humanity into your hands. Therefore, it is with confidence that, ordered by the Commons,

I impeach Warren Hastings, Esq., of high crimes and misdemeanors.

I impeach him in the name of the Commons of Great Britain in Parliament assembled, whose parliamentary trust he has betrayed.

I impeach him in the name of all the Commons of Great Britain, whose national character he has dishonored.

I impeach him in the name of the people in India, whose laws, rights, and liberties he has subverted, whose properties he has destroyed, whose country he has laid waste and desolate.

I impeach him in the name and by virtue of those eternal laws of justice which he has violated.

I impeach him in the name of human nature itself, which he has cruelly outraged, injured, and oppressed in both sexes, in every age, rank, situation, and condition of life.

LEE

RICHARD HENRY LEE, an American statesman, was the son of Thomas Lee, a colonial governor of Virginia, and was born at Stratford, Virginia, January 20, 1732. He was sent to England to be educated, and, returning to Virginia at the age of twenty, engaged in the study of law and history. From 1761 to 1768 he was a member of the House of Burgesses, but his natural diffidence kept him silent for some time. His dislike of slavery was so strong, however, that he presently made a motion to place a heavy duty on slave importation in the hope of putting a stop to the traffic. The ice now broken he was soon actively opposing the Stamp Act, and later in the Continental Congress he made the famous motion that "these colonies are, and of right ought to be, free and independent States;" and he supported the Declaration of Independence in a very brilliant speech. During the long struggle for independence Lee was unwearied in his efforts, serving on more than a hundred important committees, and in 1780 was in the field at the head of a company of Virginia militia. He sat in the Senate, 1789-92, and in spite of his anti-Federalist opinions was a warm supporter of Washington's administration. He died at Chantilly, Virginia, July 19, 1794. Lee was tall and of graceful yet commanding presence, with striking features, and always impressive as a speaker. His voice was full and clear, and his addresses brief and very pointed, with no display of rhetoric. He was sometimes called "the American Cicero."

ADDRESS TO THE INHABITANTS OF GREAT BRITAIN

[This address of the twelve colonies, by their delegates in Congress, to the inhabitants of Great Britain, was read and adopted in Congress, July 8, 1775.]

FRIENDS, COUNTRYMEN, AND BRETHREN,—By these and by every other appellation that may designate the ties which bind us to each other we entreat your serious attention to this our second attempt to prevent their dissolution. Remembrance of former friendships, pride in the glorious achievements of our common ancestors, and affection for the heirs of their virtues, have hitherto preserved our mutual connection: but when that friendship is violated by the grossest injuries; when the pride of ancestry

becomes our reproach, and we are no otherwise allied than as tyrants and slaves; when reduced to the melancholy alternative of renouncing your favor or our freedom; can we hesitate about the choice? Let the spirit of Britons determine.

In a former address we asserted our rights and stated the injuries we had then received. We hoped that the mention of our wrongs would have roused that honest indignation which has slept too long for your honor or the welfare of the Empire. But we have not been permitted to entertain this pleasing expectation. Every day brought an accumulation of injuries, and the invention of the ministry has been constantly exercised in adding to the calamities of your American brethren.

After the most valuable right of legislation was infringed; when the powers assumed by your Parliament, in which we are not represented and from our local and other circumstances cannot properly be represented, rendered our property precarious; after being denied that mode of trial to which we have long been indebted for the safety of our persons and the preservation of our liberties; after being, in many instances, divested of those laws which were transmitted to us by our common ancestors, and subjected to an arbitrary code compiled under the auspices of Roman tyrants; after those charters which encouraged our predecessors to brave death and danger in every shape on unknown seas, in deserts unexplored, amidst barbarous and inhospitable nations, were annulled; when, without the form of trial, without a public accusation, whole colonies were condemned, their trade destroyed, their inhabitants impoverished; when soldiers were encouraged to imbrue their hands in the blood of Americans, by offers of impunity; when new modes of trial were instituted

for the ruin of the accused, where the charge carried with it the horrors of conviction; when a despotic government was established in a neighboring province, and its limits extended to every of our frontiers; we little imagined that anything could be added to this black catalogue of unprovoked injuries: but we have unhappily been deceived, and the late measures of the British ministry fully convince us that their object is the reduction of these colonies to slavery and ruin.

To confirm this assertion let us recall your attention to the affairs of America since our last address. Let us combat the calumnies of our enemies; and let us warn you of the dangers that threaten you in our destruction. Many of your fellow subjects, whose situation deprived them of other support, drew their maintenance from the sea; but the deprivation of our liberty being insufficient to satisfy the resentment of our enemies, the horrors of famine were superadded: and a British Parliament, who in better times were the protectors of innocence and the patrons of humanity, have, without distinction of age or sex, robbed thousands of the food which they were accustomed to draw from that inexhaustible source placed in their neighborhood by the benevolent Creator.

Another act of your legislature shuts our ports, and prohibits our trade with any but those states from whom the great law of self-preservation renders it absolutely necessary we should at present withhold our commerce. But this act (whatever may have been its design) we consider rather as injurious to your opulence than our interest. All our commerce terminates with you; and the wealth we procure from other nations is soon exchanged for your superfluities. Our remittances must then cease with our trade, and our refinements with our affluence. We trust, however, that laws which deprive us of every blessing but a soil that teems with

the necessaries of life, and that liberty, which renders the enjoyment of them secure, will not relax our vigor in their defence.

We might here observe on the cruelty and inconsistency of those who, while they publicly brand us with reproachful and unworthy epithets, endeavor to deprive us of the means of defence, by their interposition with foreign powers, and to deliver us to the lawless ravages of a merciless soldiery. But happily we are not without resources; and though the timid and humiliating applications of a British ministry should prevail with foreign nations, yet industry, prompted by necessity, will not leave us without the necessary supplies.

We could wish to go no further, and, not to wound the ear of humanity, leave untold those rigorous acts of oppression which are daily exercised in the town of Boston, did we not hope that by disclaiming their deeds and punishing the perpetrators you would shortly vindicate the honor of the British name and re-establish the violated laws of justice.

That once populous, flourishing, and commercial town is now garrisoned by an army sent not to protect, but to enslave its inhabitants. The civil government is overturned, and a military despotism erected upon its ruins. Without law, without right, powers are assumed unknown to the constitution. Private property is unjustly invaded. The inhabitants, daily subjected to the licentiousness of the soldiery, are forbid to remove, in defiance of their natural rights, in violation of the most solemn compacts. Or, if after long and wearisome solicitation a pass is procured, their effects are detained, and even those who are most favored have no alternative but poverty or slavery. The distress of many thousand people wantonly deprived of the necessaries of life is a subject on which we would not wish to enlarge.

Yet we cannot but observe that a British fleet (unjustified even by acts of your legislature) is daily employed in ruining our commerce, seizing our ships, and depriving whole communities of their daily bread. Nor will a regard for your honor permit us to be silent while British troops sully your glory by actions which the most inveterate enmity will not palliate among civilized nations — the wanton and unnecessary destruction of Charlestown, a large, ancient, and once populous town, just before deserted by its inhabitants, who had fled to avoid the fury of your soldiery.

If still you retain those sentiments of compassion by which Britons have ever been distinguished; if the humanity which tempered the valor of our common ancestors has not degenerated into cruelty, you will lament the miseries of their descendants.

To what are we to attribute this treatment? If to any secret principle of the constitution, let it be mentioned; let us learn that the government we have long revered is not without its defects, and that while it gives freedom to a part, it necessarily enslaves the remainder of the empire. If such a principle exists, why for ages has it ceased to operate? Why at this time is it called into action? Can no reason be assigned for this conduct? Or must it be resolved into the wanton exercise of arbitrary power? And shall the descendants of Britons tamely submit to this? No, sirs, we never will, while we revere the memory of our gallant and virtuous ancestors we never can surrender those glorious privileges for which they fought, bled, and conquered. Admit that your fleets could destroy our towns and ravage our seacoasts; these are inconsiderable objects, things of no moment to men whose bosoms glow with the ardor of liberty. We can retire beyond the reach of your navy, and, without any sensible diminution

of the necessaries of life, enjoy a luxury which from that period you will want — the luxury of being free.

We know the force of your arms, and was it called forth in the cause of justice and your country we might dread the exertion; but will Britons fight under the banners of tyranny? Will they counteract the labors and disgrace the victories of their ancestors? Will they forge chains for their posterity? If they descend to this unworthy task, will their swords retain their edge, their arms their accustomed vigor? Britons can never become the instruments of oppression till they lose the spirit of freedom by which alone they are invincible.

Our enemies charge us with sedition. In what does it consist? In our refusal to submit to unwarrantable acts of injustice and cruelty? If so, show us a period in your history in which you have not been equally seditious.

We are accused of aiming at independence; but how is this accusation supported? By the allegations of your ministers, not by our actions. Abused, insulted, and contemned, what steps have we pursued to obtain redress? We have carried our dutiful petitions to the throne. We have applied to your justice for relief. We have retrenched our luxury and withheld our trade.

The advantages of our commerce were designed as a compensation for your protection. When you ceased to protect, for what were we to compensate?

What has been the success of our endeavors? The clemency of our sovereign is unhappily diverted; our petitions are treated with indignity; our prayers answered by insults. Our application to you remains unnoticed, and leaves us the melancholy apprehension of your wanting either the will or the power to assist us.

Even under these circumstances what measures have we taken that betray a desire of independence? Have we called in the aid of those foreign powers who are the rivals of your grandeur? When your troops were few and defenceless, did we take advantage of their distress and expel them our towns? Or have we permitted them to fortify, to receive new aid, and to acquire additional strength?

Let not your enemies and ours persuade you that in this we were influenced by fear or any other unworthy motive. The lives of Britons are still dear to us. They are the children of our parents, and an uninterrupted intercourse of mutual benefits had knit the bonds of friendship. When hostilities were commenced, when, on a late occasion, we were wantonly attacked by your troops, though we repelled their assaults and returned their blows, yet we lamented the wounds they obliged us to give; nor have we yet learned to rejoice at a victory over Englishmen.

As we wish not to color our actions or disguise our thoughts, we shall in the simple language of truth avow the measures we have pursued, the motives upon which we have acted, and our future designs.

When our late petition to the throne produced no other effect than fresh injuries, and votes of your legislature calculated to justify every severity; when your fleets and your armies were prepared to wrest from us our property, to rob us of our liberties or our lives; when the hostile attempts of General Gage evinced his designs, we levied armies for our security and defence. When the powers vested in the governor of Canada gave us reason to apprehend danger from that quarter; and we had frequent intimations that a cruel and savage enemy was to be let loose upon the defenceless inhabitants of our frontiers; we took such measures as prudence

dictated, as necessity will justify. We possessed ourselves of Crown Point and Ticonderoga. Yet give us leave most solemnly to assure you that we have not yet lost sight of the object we have ever had in view — a reconciliation with you on constitutional principles and a restoration of that friendly intercourse which, to the advantage of both, we till lately maintained.

The inhabitants of this country apply themselves chiefly to agriculture and commerce. As their fashions and manners are similar to yours, your markets must afford them the conveniences and luxuries for which they exchange the produce of their labors. The wealth of this extended continent centres with you; and our trade is so regulated as to be subservient only to your interest. You are too reasonable to expect that by taxes (in addition to this) we should contribute to your expense; to believe after diverting the fountain that the streams can flow with unabated force.

It has been said that we refuse to submit to the restrictions on our commerce. From whence is this inference drawn? Not from our words, we having repeatedly declared the contrary; and we again profess our submission to the several acts of trade and navigation passed before the year 1763, trusting, nevertheless, in the equity and justice of Parliament, that such of them as, upon cool and impartial consideration, shall appear to have imposed unnecessary or grievous restrictions, will at some happier period be repealed or altered. And we cheerfully consent to the operation of such acts of the British Parliament as shall be restrained to the regulation of our external commerce, for the purpose of securing the commercial advantages of the whole empire to the mother country, and the commercial benefits of its respective members; excluding every idea of taxation, internal or external,

for raising a revenue on the subjects in America without their consent.

It is alleged that we contribute nothing to the common defence. To this we answer that the advantages which Great Britain receives from the monopoly of our trade far exceed our proportion of the expense necessary for that purpose. But should these advantages be inadequate thereto, let the restrictions on our trade be removed, and we will cheerfully contribute such proportion when constitutionally required.

It is a fundamental principle of the British constitution that every man should have at least a representative share in the formation of those laws by which he is bound. Were it otherwise, the regulation of our internal police by a British Parliament, who are, and ever will be, unacquainted with our local circumstances, must be always inconvenient and frequently oppressive, working our wrong without yielding any possible advantage to you.

A plan of accommodation (as it has been absurdly called), has been proposed by your ministers to our respective assemblies. Were this proposal free from every other objection but that which arises from the time of the offer, it would not be unexceptionable. Can men deliberate with the bayonet at their breast? Can they treat with freedom while their towns are sacked; when daily instances of injustice and oppression disturb the slower operations of reason?

If this proposal is really such as you would offer and we accept, why was it delayed till the nation was put to useless expense and we were reduced to our present melancholy situation? If it holds forth nothing, why was it proposed, unless, indeed, to deceive you into a belief that we were unwilling to listen to any terms of accommodation? But

what is submitted to our consideration? We contend for the disposal of our property. We are told that our demand is unreasonable, that our assemblies may indeed collect our money, but that they must at the same time offer, not what your exigencies or ours may require, but so much as shall be deemed sufficient to satisfy the desires of a minister and enable him to provide for favorites and dependents. A recurrence to your own treasury will convince you how little of the money already extorted from us has been applied to the relief of your burdens. To suppose that we would thus grasp the shadow and give up the substance is adding insult to injuries.

We have, nevertheless, again presented an humble and dutiful petition to our sovereign; and to remove every imputation of obstinacy have requested his Majesty to direct some mode by which the united applications of his faithful colonists may be improved into a happy and permanent reconciliation. We are willing to treat on such terms as can alone render an accommodation lasting, and we flatter ourselves that our pacific endeavors will be attended with a removal of ministerial troops and a repeal of those laws of the operation of which we complain on the one part, and a disbanding of our army and a dissolution of our commercial associations on the other.

Yet conclude not from this that we propose to surrender our property into the hands of your ministry or vest your Parliament with a power which may terminate in our destruction. The great bulwarks of our constitution we have desired to maintain by every temperate, by every peaceable means; but your ministers (equal foes to British and American freedom) have added to their former oppressions an attempt to reduce us, by the sword, to a base and abject sub-

mission. On the sword, therefore, we are compelled to rely for protection. Should victory declare in your favor, yet men trained to arms from their infancy and animated by the love of liberty will afford neither a cheap nor easy conquest. Of this, at least, we are assured, that our struggle will be glorious, our success certain; since even in death we shall find that freedom which in life you forbid us to enjoy.

Let us now ask what advantages are to attend our reduction? The trade of a ruined and desolate country is always inconsiderable, its revenue trifling; the expense of subjecting and retaining it in subjection certain and inevitable. What then remains but the gratification of an ill-judged pride or the hope of rendering us subservient to designs on our liberty?

Soldiers who have sheathed their swords in the bowels of their American brethren will not draw them with more reluctance against you. When too late you may lament the loss of that freedom which we exhort you, while still in your power, to preserve.

On the other hand, should you prove unsuccessful; should that connection which we most ardently wish to maintain be dissolved; should your ministers exhaust your treasures and waste the blood of your countrymen in vain attempts on our liberty; do they not deliver you, weak and defenceless, to your natural enemies?

Since, then, your liberty must be the price of your victories; your ruin, of your defeat; what blind fatality can urge you to a pursuit destructive of all that Britons hold dear? If you have no regard to the connection that has for ages subsisted between us; if you have forgot the wounds we have received fighting by your side for the extension of the empire; if our commerce is not an object below your consideration;

if justice and humanity have lost their influence on your hearts; still motives are not wanting to excite your indignation at the measures now pursued; your wealth, your honor, your liberty are at stake.

Notwithstanding the distress to which we are reduced, we sometimes forget our own afflictions to anticipate and sympathize in yours. We grieve that rash and inconsiderate councils should precipitate the destruction of an empire which has been the envy and admiration of ages; and call God to witness that we would part with our property, endanger our lives, and sacrifice everything but liberty, to redeem you from ruin.

A cloud hangs over your heads and ours; ere this reaches you it may probably burst upon us; let us then (before the remembrance of former kindness is obliterated) once more repeat those appellations which are ever grateful in our ears; let us entreat heaven to avert our ruin, and the destruction that threatens our friends, brethren, and countrymen on the other side of the Atlantic.

WASHINGTON

GEORGE WASHINGTON was born in Westmoreland, Virginia, on February 22, 1732. His great-grandfather, John Washington, settled in Virginia about 1657. John's eldest son, Lawrence, had three children, of whom Augustine was the second son. Augustine Washington married twice; by the first marriage with Jane Butler there were four children; by the second marriage with Mary Ball in 1730, there were six children, of whom George was the oldest. The father died when George was but twelve years old. The boy's education was but elementary and very defective, except in mathematics wherein he was largely self-taught. A commission as midshipman in the Royal Navy was obtained for him through Admiral Vernon, but owing to the opposition of the boy's mother, it was not accepted. At the age of sixteen, however, George secured the appointment as surveyor of the enormous property of Lord Fairfax, and the next three years of his life were spent in this employment. At the age of nineteen he was appointed adjutant of the Virginia troops with the rank of Major, and in 1753, though he had barely attained his majority, he was made commander of the northern military district of Virginia by the Lieutenant-Governor, Dinwiddie. On the outbreak of the French and Indian War, he was sent to warn the French away from their new forts in Pennsylvania, and his vigorous defence of Fort Necessity made him so conspicuous a figure, that in 1755 he was commissioned Commander-in-Chief of all the Virginia forces. He served in Braddock's campaign, and, though he exposed himself with the utmost recklessness, brought the little remnant of his Virginians out of action in fair order. For a year or two his task was that of defending a frontier of more than 350 miles with 700 men, but in 1758 he commanded the advance guard of the expedition which captured Fort Duquesne. The war in Virginia being then at an end, he resigned his command, married Mrs. Custis, a rich widow, and settled at Mount Vernon, a plantation which he had inherited after the death of his half-brother, Lawrence. For the next twenty years Washington's life was that of a typical Virginia planter. Like others of the dominant caste in Virginia, he was repeatedly elected to the Legislature, but he is not known to have made any set speeches in that body. He took, however, a leading, if a silent part in the struggles of the House of Burgesses against Governor Dunmore. In 1774 the Virginia Convention appointed Washington one of its seven delegates to the Continental Congress. When that body, after the fights at Lexington and Concord, resolved to put the colonies into a state of defence, the first practical step was the unanimous selection, on motion of John Adams of Massachusetts, of Washington as Commander-in-Chief. He reached Cambridge, on July 2,

1775, and within nine months drove the British out of Boston. After fighting the unsuccessful battle of Long Island, he was compelled to evacuate New York, but made a masterly retreat through the Jerseys into Pennsylvania, after which he turned and struck his pursuers at Trenton and Princeton, and then established himself at Morristown so as to make the way to Philadelphia impassable. The vigor with which he handled his army at the battles of Brandywine and Germantown and the persistency with which he held the strategic position of Valley Forge through the dreadful winter of 1777–78, exhibited the steel-like fibre of his character. The prompt and energetic pursuit of Clinton across the Jerseys and the battle of Monmouth, in which the plan of the American commander was thwarted by Charles Lee, closed for a time Washington's military record, until he planned the conclusive campaign of Yorktown, which he carried out in conjunction with Rochambeau, and which resulted in the surrender of Cornwallis. On December 20, 1783, he returned to Congress his commission of Commander-in-Chief and retired to Mount Vernon. His influence continued to be as powerful as it had been before his resignation. When the Federal Convention met at Philadelphia, in 1787, to frame the present Constitution, he was present as a delegate from Virginia, and a unanimous vote made him its presiding officer. Beyond a few suggestive hints, he took no part in the debates, but he approved the Constitution which was ultimately devised, believing it, as he said, to be the best obtainable at the epoch. All his influence was exerted to secure its ratification, and it probably proved decisive. When the scheme of government provided by the Constitution went into operation, he was unanimously chosen the first President of the United States, and was unanimously re-elected to a second term in 1793. Retiring from the Presidency in 1797, he resumed the plantation life which he loved, but in the following year he was made Commander-in-Chief of the provisional army raised in expectation of a war with France. In the midst of military preparations he was struck down by sudden illness, and died at Mount Vernon on December 14, 1799.

FIRST INAUGURAL ADDRESS

DELIVERED IN NEW YORK, APRIL 30, 1789

Fellow-Citizens of the Senate and of the House of Representatives:

AMONG the vicissitudes incident to life, no event could have filled me with greater anxieties than that of which the notification was transmitted by your order, and received on the fourth day of the present month. On the one hand, I was summoned by my country, whose voice I can never hear but with veneration and love,

from a retreat which I had chosen with the fondest predilection, and, in my flattering hopes, with an immutable decision as the asylum of my declining years; a retreat which was rendered every day more necessary as well as more dear to me, by the addition of habit to inclination, and of frequent interruptions in my health to the gradual waste committed on it by time; on the other hand, the magnitude and difficulty of the trust to which the voice of my country called me, being sufficient to awaken, in the wisest and most experienced of her citizens, a distrustful scrutiny into his qualifications, could not but overwhelm with despondence one who, inheriting inferior endowments from nature, and unpracticed in the duties of civil administration, ought to be peculiarly conscious of his own deficiencies. In this conflict of emotions, all I dare aver is that it has been my faithful study to collect my duty from a just appreciation of every circumstance by which it might be affected. All I dare hope is, that if, in executing this task, I have been too much swayed by a grateful remembrance of former instances, or by an affectionate sensibility to this transcendent proof of the confidence of my fellow-citizens, and have thence too little consulted my incapacity as well as disinclination for the weighty and untried cares before me, my error will be palliated by the motives which misled me, and its consequences be judged by my country, with some share of the partiality in which they originated.

Such being the impression under which I have, in obedience to the public summons, repaired to the present station, it would be peculiarly improper to omit, in this first official act, my fervent supplications to that Almighty Being, who rules over the universe, who presides in the councils of nations, and whose providential aids can supply

every human defect, that his benediction may consecrate to the liberties and happiness of the people of the United States a government instituted by themselves for these essential purposes, and may enable every instrument employed in its administration to execute, with success, the functions allotted to his charge. In tendering this homage to the Great Author of every public and private good, I assure myself that it expresses your sentiments not less than my own; nor those of my fellow-citizens at large less than either. No people can be bound to acknowledge and adore the Invisible Hand which conducts the affairs of men, more than the people of the United States. Every step by which they have advanced to the character of an independent nation seems to have been distinguished by some token of providential agency. And, in the important revolution just accomplished, in the system of their united government, the tranquil deliberations and voluntary consent of so many distinct communities, from which the event has resulted, cannot be compared with the means by which most governments have been established, without some return of pious gratitude, along with a humble anticipation of the future blessings, which the past seems to presage. These reflections, arising out of the present crisis, have forced themselves too strongly on my mind to be suppressed. You will join with me, I trust, in thinking that there are none under the influence of which the proceedings of a new and free government can more auspiciously commence.

By the article establishing the Executive Department, it is made the duty of the President "to recommend to your consideration such measures as he shall judge necessary and expedient." The circumstances under which I now

meet you will acquit me from entering into that subject further than to refer you to the great constitutional charter under which we are assembled; and which, in defining your powers, designates the objects to which your attention is to be given. It will be more consistent with those circumstances and far more congenial with the feelings which actuate me, to substitute, in place of a recommendation of particular measures, the tribute that is due to the talents, the rectitude, and the patriotism which adorn the characters selected to devise and adopt them. In these honorable qualifications, I behold the surest pledges, that as, on one side, no local prejudices or attachments, no separate views nor party animosities, will misdirect the comprehensive and equal eye which ought to watch over this great assemblage of communities and interests—so, on another, that the foundations of our national policy will be laid in the pure and immutable principles of private morality; and the pre-eminence of a free government be exemplified by all the attributes which can win the affections of its citizens and command the respect of the world.

I dwell on this prospect with every satisfaction which an ardent love for my country can inspire; since there is no truth more thoroughly established than that there exists, in the economy and course of nature, an indissoluble union between virtue and happiness—between duty and advantage—between the genuine maxims of an honest and magnanimous policy and the solid rewards of public prosperity and felicity—since we ought to be no less persuaded that the propitious smiles of heaven can never be expected on a nation that disregards the eternal rules of order and right which heaven itself has ordained—and since the preservation of the sacred fire of liberty, and the destiny of the

republican model of government, are justly considered as deeply, perhaps as finally staked, on the experiment intrusted to the hands of the American people.

Besides the ordinary objects submitted to your care, it will remain with your judgment to decide how far an exercise of the occasional power delegated by the fifth article of the Constitution is rendered expedient, at the present juncture, by the nature of objections which have been urged against the system, or by the degree of inquietude which has given birth to them. Instead of undertaking particular recommendations on this subject, in which I could be guided by no lights derived from official opportunities, I shall again give way to my entire confidence in your discernment and pursuit of the public good. For I assure myself that, while you carefully avoided every alteration which might endanger the benefits of a united and effective government, or which ought to await the future lessons of experience, a reverence for the characteristic rights of freemen and a regard for the public harmony will sufficiently influence your deliberations on the question how far the former can be more impregnably fortified, or the latter be safely and more advantageously promoted.

To the preceding observations I have one to add, which will be most properly addressed to the House of Representatives. It concerns myself, and will therefore be as brief as possible.

When I was first honored with a call into the service of my country, then on the eve of an arduous struggle for its liberties, the light in which I contemplated my duty required that I should renounce every pecuniary compensation. From this resolution I have in no instance departed. And being still under the impressions which produced it,

I must decline, as inapplicable to myself, any share in the personal emoluments which may be indispensably included in a permanent provision for the Executive Department; and must accordingly pray that the pecuniary estimates for the station in which I am placed may, during my continuation in it, be limited to such actual expenditures as the public good may be thought to require.

Having thus imparted to you my sentiments, as they have been awakened by the occasion which brings us together, I shall take my present leave, but not without resorting once more to the benign Parent of the human race, in humble supplication, that, since he has been pleased to favor the American people with opportunities for deliberating in perfect tranquillity, and dispositions for deciding with unparalleled unanimity, on a form of government for the security of their union and the advancement of their happiness, so his divine blessing may be equally conspicuous in the enlarged views, the temperate consultations, and the wise measures on which the success of this government must depend.

FAREWELL ADDRESS

ISSUED SEPTEMBER 19, 1796

Friends and Fellow-Citizens:

THE period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to

me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in, the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety, and am persuaded, whatever partiality may be retained for my

services, that, in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed toward the organization and administration of the government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my public life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead, amid appearances sometimes dubious, vicissi-

tudes of fortune often discouraging, in situations in which not infrequently want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts, and a guarantee of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free Constitution, which is the work of your hands, may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament

of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so, for it is a main pillar in the edifice of your real independence, the support of your tranquillity at home, your peace abroad; of your safety, of your prosperity; of that very liberty which you so highly prize. But as it is easy to foresee that, from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens, by birth or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discrimi-

nations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together; the independence and liberty you possess are the work of joint counsels, and joint efforts of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds in the productions of the latter great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The South, in the same intercourse, benefiting by the agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated; and, while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The East, in a like intercourse with the West, already finds, and, in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The West derives from the East supplies requisite to its growth and comfort, and, what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its

own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength, or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same governments, which their own rival ships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and imbitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can

embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations, Northern and Southern, Atlantic and Western; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heartburnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our Western country have lately had a useful lesson on this head; they have seen, in the negotiation by the Executive, and in the unanimous ratification by the Senate, of the treaty with Spain, and in the universal satisfaction at that event, throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic States unfriendly to their interests in regard to the Mississippi;

they have been witnesses to the formation of two treaties, that with Great Britain, and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, toward confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the Union by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliance, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government better calculated than your former for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the Constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to estab-

lish government presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation the will of a party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common counsels and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people and to usurp for themselves the reins of government, destroying afterward the very engines which have lifted them to unjust dominion.

Toward the preservation of your government, and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect, in the forms of the Constitution, alterations which

will impair the energy of the system, and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember, especially, that for the efficient management of your common interests, in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the State, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but, in those of the popular form, it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge, natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation, on the ruins of public liberty.

Without looking forward to an extremity of this kind (which, nevertheless, ought not to be entirely out of sight), the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms, kindles the animosity of one part against another, foments occasionally riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchical cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is

a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power, and proneness to abuse it, which predominates in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositaries, and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent

evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked: Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to

use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it, avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertion in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind that toward the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment, inseparable from the selection of the proper objects (which is always a choice of difficulties), ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct; and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that, in the course of time and things, the fruits of such a plan would richly repay any

temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations, and passionate attachments for others, should be excluded; and that, in place of them, just and amicable feelings toward all should be cultivated. The nation which indulges toward another a habitual hatred or a habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable, when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill-will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times it makes the animosity of the nation subservient to projects of hostility instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations, has been the victim.

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary

common interest in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others which is apt doubly to injure the nation making the concessions; by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill-will, and a disposition to retaliate, in the parties from whom equal privileges are withheld. And it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding, with the appearance of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils? Such an attachment of a small or weak toward a great and powerful nation dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy to be useful must be impartial; else it becomes the instru-

ment of the very influence to be avoided, instead of a defence against it. Excessive partiality for one foreign nation and excessive dislike of another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots who may resist the intrigues of the favorite are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us in regard to foreign nations is in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none, or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing (with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them) conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied, as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that

it must pay with a portion of its independence for whatever it may accept under that character; that, by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion, which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations. But, if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare, by which they have been dictated.

How far in the discharge of my official duties I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the twenty-second of April, 1793, is the index of my plan. Sanctioned by your approving voice, and by that of your representatives in both Houses of Congress, the spirit of that measure has continually governed

me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take, a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it, with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though, in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate

the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love toward it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow-citizens, the benign influence of good laws under a free government, the ever-favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

DICKINSON

JOHN DICKINSON, an American statesman, was born at Crosia-Doré, Maryland, May 13, 1732. He received a legal education in Philadelphia, and at the Middle Temple, London, where among his fellow students were the future Lord Thurlow, and the poet Cowper. Returning to America he began the exercise of his profession in Philadelphia, entering political life as a member of the Assembly of Delaware in 1760, and being transferred to that of Pennsylvania in 1762, where he served until 1765 and again, 1770-76. He represented Pennsylvania in the Stamp Act Congress in 1765 and also in the Continental Congress, 1774-76. Deeming the proposal for American independence premature, he spoke against it and thereby lessened his former popularity. After leaving Congress he served for some time as a volunteer private soldier in the American army. In 1781 he was made governor of Delaware, which he had represented in Congress for a part of 1779, and in 1782 became governor of Pennsylvania. He was member of the Constitutional Convention in 1788, and his "Fabius" letters, which appeared that year, warmly advocated the adoption of the Federal Constitution. A second series of "Fabius" letters in 1797 were concerned with the relations between France and the United States. His other writings include in part "Letters from a Pennsylvania Farmer to the Inhabitants of the Colonies," 1767, which had an extensive reputation and did much service in fostering patriotic sentiment; "Essay on the Constitutional Power of Great Britain over the Colonies in America," 1774. He was one of the foremost literary men among the patriots of the Revolutionary period, and from the great number of important state papers of which he was the author has been styled the "Penman of the American Revolution." Owing to his natural conservatism he was not prepared to go to such lengths as many of his political associates, who never forgave him for differing with them and wrote and spoke of him in the harshest terms. His latest years were passed in retirement and his death occurred at Wilmington, Delaware, February 14, 1808. Dickinson College, founded at Carlisle, Pennsylvania, in 1783, was named in his honor.

THE DECLARATION ON TAKING UP ARMS

[On the 23d of June, 1775, Congress delegated John Rutledge, William Livingston, Doctor Franklin, John Jay, and Thomas Johnson, "to draw up a declaration, to be published by General Washington upon his arrival at the camp before Boston." The next day they reported a draft, which, after being debated, was referred for further consideration on the following Monday. On that day it was recommitted, and John Dickinson and Thomas Jefferson were added to the committee. The final draft was laid before Congress on the 6th of July, 1775, and after being "read and debated by paragraphs" was adopted. Mr. Dickinson was the author of the following declaration:]

IF IT was possible for men who exercise their reason to believe that the Divine Author of our existence intended a part of the human race to hold an absolute property in and an unbounded power over others, marked out by his infinite goodness and wisdom, as the objects of a legal domination never rightfully resistible, however severe and oppressive, the inhabitants of these colonies might at least require from the Parliament of Great Britain some evidence that this dreadful authority has been granted to that body. But a reverence for our great Creator, principles of humanity, and the dictates of common sense, must convince all those who reflect upon the subject that government was instituted to promote the welfare of mankind and ought to be administered for the attainment of that end. The legislature of Great Britain, however, stimulated by an inordinate passion for a power not only unjustifiable, but which they know to be peculiarly reprobated by the very constitution of that kingdom, and desperate of success in any mode of contest where regard should be had to truth, law, or right, have at length, deserting those, attempted to effect their cruel and impolitic purpose of enslaving these colonies by violence, and have thereby rendered it necessary for us to close with their last appeal from reason to arms. Yet, however blinded that assembly may be, by their intemperate rage for unlimited domination, so to slight justice and the opinion of mankind, we esteem ourselves bound by obligations of respect to the rest of the world to make known the justice of our cause.

Our forefathers, inhabitants of the island of Great Britain, left their native land to seek on these shores a residence for civil and religious freedom. At the expense of their blood; at the hazard of their fortunes; without the least charge to the country from which they removed; by unceasing labor

and an unconquerable spirit, they effected settlements in the distant and inhospitable wilds of America, then filled with numerous and warlike nations of barbarians. Societies or governments, vested with perfect legislatures, were formed under charters from the crown, and an harmonious intercourse was established between the colonies and the kingdom from which they derived their origin.

The mutual benefits of this union became in a short time so extraordinary as to excite astonishment. It is universally confessed that the amazing increase of the wealth, strength, and navigation of the realm arose from this source; and the minister who so wisely and successfully directed the measures of Great Britain in the late war publicly declared that these colonies enabled her to triumph over her enemies. Toward the conclusion of that war it pleased our sovereign to make a change in his counsels. From that fatal moment the affairs of the British empire began to fall into confusion, and gradually sliding from the summit of glorious prosperity to which they had been advanced by the virtues and abilities of one man are at length distracted by the convulsions that now shake its deepest foundations. The new ministry, finding the brave foes of Britain, though frequently defeated, yet still contending, took up the unfortunate idea of granting them a hasty peace and of then subduing her faithful friends.

These devoted colonies were judged to be in such a state as to present victories without bloodshed and all the easy emoluments of statutable plunder. The uninterrupted tenor of their peaceable and respectful behavior from the beginning of colonization; their dutiful, zealous, and useful services during the war, though so recently and amply acknowledged in the most honorable manner by his Majesty, by the late King and

by Parliament, could not save them from the meditated innovations. Parliament was influenced to adopt the pernicious project, and assuming a new power over them have in the course of eleven years given such decisive specimens of the spirit and consequences attending this power as to leave no doubt concerning the effects of acquiescence under it.

They have undertaken to give and grant our money without our consent, though we have ever exercised an exclusive right to dispose of our own property; statutes have been passed for extending the jurisdiction of courts of admiralty and vice-admiralty beyond their ancient limits; for depriving us of the accustomed and inestimable privilege of trial by jury in cases affecting both life and property; for suspending the legislature of one of the colonies; for interdicting all commerce to the capital of another, and for altering, fundamentally, the form of government established by charter and secured by acts of its own legislature, solemnly confirmed by the crown; for exempting the "murderers" of colonists from legal trial, and in effect from punishment; for erecting in a neighboring province, acquired by the joint arms of Great Britain and America, a despotism dangerous to our very existence; and for quartering soldiers upon the colonists in time of profound peace. It has also been resolved in Parliament that colonists charged with committing certain offences shall be transported to England to be tried.

But why should we enumerate our injuries in detail? By one statute it is declared that Parliament can "of right make laws to bind us in all cases whatsoever." What is to defend us against so enormous, so unlimited a power? Not a single man of those who assume it is chosen by us or is subject to our control or influence; but on the contrary they are all of them exempt from the operation of such laws, and an Ameri-

can revenue, if not diverted from the ostensible purposes for which it is raised, would actually lighten their own burden in proportion as they increase ours. We saw the misery to which such despotism would reduce us. We, for ten years, incessantly and ineffectually besieged the throne as supplicants; we reasoned, we remonstrated with Parliament in the most mild and decent language.

Administration, sensible that we should regard these oppressive measures as freemen ought to do, sent over fleets and armies to enforce them. The indignation of the Americans was roused, it is true, but it was the indignation of a virtuous, loyal, and affectionate people. A congress of delegates from the united colonies was assembled at Philadelphia on the 5th day of last September. We resolved again to offer an humble and dutiful petition to the King, and also addressed our fellow subjects of Great Britain. We have pursued every temperate, every respectful measure; we have even proceeded to break off our commercial intercourse with our fellow subjects, as the last peaceable admonition that our attachment to no nation upon earth should supplant our attachment to liberty. This, we flattered ourselves, was the ultimate step of the controversy, but subsequent events have shown how vain was this hope of finding moderation in our enemies.

Several threatening expressions against the colonies were inserted in his Majesty's speech; our petition, though we were told it was a decent one, and that his Majesty had been pleased to receive it graciously, and to promise laying it before his Parliament, was huddled into both Houses among a bundle of American papers and there neglected. The Lords and Commons in their address in the month of February said that "a rebellion at that time actually existed within the province

of Massachusetts Bay, and that those concerned in it had been countenanced and encouraged by unlawful combinations and engagements entered into by his Majesty's subjects in several of the other colonies; and therefore they besought his Majesty that he would take the most effectual measures to enforce due obedience to the laws and authority of the supreme legislature." Soon after, the commercial intercourse of whole colonies with foreign countries and with each other was cut off by an act of Parliament; by another, several of them were entirely prohibited from the fisheries in the seas near their coasts, on which they always depended for their subsistence, and large reinforcements of ships and troops were immediately sent over to General Gage.

Fruitless were all the entreaties, arguments, and eloquence of an illustrious band of the most distinguished peers and commoners, who nobly and strenuously asserted the justice of our cause to stay or even to mitigate the heedless fury with which these accumulated and unexampled outrages were hurried on. Equally fruitless was the interference of the city of London, of Bristol, and many other respectable towns, in our favor. Parliament adopted an insidious manœuvre, calculated to divide us, to establish a perpetual auction of taxations, where colony should bid against colony, all of them uninformed what ransom would redeem their lives; and thus to extort from us, at the point of the bayonet, the unknown sums that should be sufficient to gratify, if possible to gratify, ministerial rapacity, with the miserable indulgence left to us of raising in our own mode the prescribed tribute. What terms more rigid and humiliating could have been dictated by remorseless victors to conquered enemies? In our circumstances to accept them would be to deserve them.

Soon after the intelligence of these proceedings arrived on

this continent, General Gage, who in the course of the last year had taken possession of the town of Boston, in the province of Massachusetts Bay, and still occupied it as a garrison, on the 19th day of April sent out from that place a large detachment of his army, who made an unprovoked assault on the inhabitants of the said province at the town of Lexington, as appears by the affidavits of a great number of persons, some of whom were officers and soldiers of that detachment, murdered eight of the inhabitants and wounded many others. From thence the troops proceeded in warlike array to the town of Concord, where they set upon another party of the inhabitants of the same province, killing several and wounding more, until compelled to retreat by the country people suddenly assembled to repel this cruel aggression.

Hostilities thus commenced by the British troops have been since prosecuted by them without regard to faith or reputation. The inhabitants of Boston being confined within that town by the general, their governor, and having, in order to procure their dismission, entered into a treaty with him, it was stipulated that the said inhabitants, having deposited their arms with their own magistrates, should have liberty to depart, taking with them their other effects. They accordingly delivered up their arms, but in open violation of honor, in defiance of the obligation of treaties which even savage nations esteem sacred, the governor ordered the arms deposited as aforesaid, that they might be preserved for their owners, to be seized by a body of soldiers, detained the greatest part of the inhabitants in the town, and compelled the few who were permitted to retire to leave their most valuable effects behind.

By this perfidy wives are separated from their husbands, children from their parents, the aged and the sick from their

relations and friends who wish to attend and comfort them, and those who have been used to live in plenty and even elegance are reduced to deplorable distress.

The general, further emulating his ministerial masters, by a proclamation bearing date on the 12th day of June, after venting the grossest falsehoods and calumnies against the good people of these colonies, proceeds to "declare them all, either by name or description, to be rebels and traitors to supersede the course of common law, and instead thereof to publish and order the use and exercise of the law martial." His troops have butchered our countrymen, have wantonly burnt Charlestown, besides a considerable number of houses in other places; our ships and vessels are seized; the necessary supplies of provisions are intercepted, and he is exerting his utmost power to spread destruction and devastation around him.

We have received certain intelligence that General Carleton, the Governor of Canada, is instigating the people of that province and the Indians to fall upon us; and we have but too much reason to apprehend that schemes have been formed to excite domestic enemies against us. In brief, a part of these colonies now feel, and all of them are sure of feeling, as far as the vengeance of administration can inflict them, the complicated calamities of fire, sword, and famine. We are reduced to the alternative of choosing an unconditional submission to the tyranny of irritated ministers or resistance by force. The latter is our choice. We have counted the cost of this contest and find nothing so dreadful as voluntary slavery! Honor, justice, and humanity forbid us tamely to surrender that freedom which we received from our gallant ancestors, and which our innocent posterity have a right to receive from us. We cannot endure the infamy and guilt of resigning succeeding generations to that wretchedness which

inevitably awaits them if we basely entail hereditary bondage upon them.

Our cause is just. Our union is perfect. Our internal resources are great, and, if necessary, foreign assistance is undoubtedly attainable. We gratefully acknowledge, as signal instances of Divine favor toward us, that his providence would not permit us to be called into this severe controversy until we were grown up to our present strength, had been previously exercised in warlike operations, and possessed the means of defending ourselves. With hearts fortified by these animating reflections we most solemnly, before God and the world, declare, that, exerting the utmost energy of those powers which our beneficent Creator has graciously bestowed upon us, the arms we have been compelled by our enemies to assume, we will, in defiance of every hazard, with unabating firmness and perseverance, employ for the preservation of our liberties; being with one mind resolved to die freemen rather than to live slaves.

Lest this declaration should disquiet the minds of our friends and fellow subjects in any part of the Empire, we assure them that we mean not to dissolve that union which has so long and so happily subsisted between us, and which we sincerely wish to see restored. Necessity has not yet driven us into that desperate measure or induced us to excite any other nation to war against them. We have not raised armies with ambitious designs of separating from Great Britain and establishing independent states. We fight not for glory or for conquest. We exhibit to mankind the remarkable spectacle of a people attacked by unprovoked enemies, without any imputation or even suspicion of offence. They boast of their privileges and civilization, and yet proffer no milder conditions than servitude or death.

In our own native land, in defence of the freedom that is our birthright, and which we ever enjoyed till the late violation of it — for the protection of our property, acquired solely by the honest industry of our forefathers and ourselves, against violence actually offered, we have taken up arms. We shall lay them down when hostilities shall cease on the part of the aggressors and all danger of their being renewed shall be removed, and not before.

With an humble confidence in the mercies of the Supreme and impartial Judge and Ruler of the universe, we most devoutly implore his divine goodness to protect us happily through this great conflict, to dispose our adversaries to reconciliation on reasonable terms, and thereby to relieve the Empire from the calamities of civil war.

FLOOD

HENRY FLOOD, a famous Irish orator, was the illegitimate son of an Irish chief justice and was born in Dublin in 1732. He was educated at Trinity College in his native city, and after studying law at the Inner Temple in London, and practising for a short time in that city he returned to Ireland and entering the Irish Parliament in 1759 his eloquence and social position soon made him one of the leaders of the popular party, and to him was largely due the organization of the powerful Opposition in the Irish House of Commons. Until the appointment of the Liberal Lord Harcourt as lord lieutenant of Ireland in 1772, Flood continually opposed the government policy. In 1775 he was made vice-treasurer of Ireland and a member of the Irish privy council, but his acceptance of a government office lost him much of his former popularity. Going out of office in 1781 he entered the English Parliament in 1783, but was unsuccessful there as a debater and retired to private life in 1790; he died at his estate at Farmley, Ireland, December 2, 1791. Flood was one of Ireland's greatest orators; his speeches display a wide knowledge and close reasoning. He allied himself with all the great Irish reform measures of his day, but felt deeply his loss of popularity consequent upon his acceptance of office. He was the author of several poems and a collection of his speeches was made in 1787.

FIRST RENUNCIATION SPEECH

[In the sixth year of the reign of George I the British Parliament passed an act declaring that it had, hath, and of right ought to have the power of making laws binding on Ireland. This right was publicly denied in the Irish House of Commons by Mr. Grattan in the year 1782, and he was supported in this opinion by Henry Flood and by most of the principal speakers of that time. After many violent protests the British Parliament repealed this act. Flood insisted that the mere repeal of this act was not sufficient, it being only declaratory of what the law was supposed to be before its enactment, and that therefore the repeal should be accompanied by a renunciation of the alleged right. Mr. Flood in two speeches, of which the following is the first, treated this matter in an eloquent and masterly manner.]

NOTHING ever was more judicious than the conduct of Great Britain on this occasion. She was so embarrassed abroad, and you were so strong at home, that she could not deny the repeal of the declaratory law. Yet

it must ever be her wish to retain the principle of it, because it is the principle of power, which no nation has ever relinquished while it could maintain it. What then has she done? By seeming to yield unconditionally to you she seized on the generous credulity of your nature and took full advantage of a change in her own administration. Her first step was bold, in order to strike your imaginations with something that seemed to be decisive.

She resolved that the declaratory law ought to be repealed: she did not say, however, that it ought to be repealed as having been a false and erroneous declaration of law; far from it; not a man in the British Parliament held such an idea: the very mover and seconder of the resolution said the contrary. I mention them both with honor; I mention the ministry, the Parliament, and the people of Great Britain, with all honor. I lament, but cannot blame their sentiment on this subject.

They declared the constitutional right of the British Parliament to make laws for every part of the empire; one of them said externally; and the other both externally and internally. One said the repeal must be accompanied by a final adjustment, and the other that the law could only be repealed on a principle of compact.

Now this is so far from a renunciation that it is the very contrary, and a repeal without a renunciation leaves you in effect only where you were. It is a first principle of law, that a declaratory act only declares the law to be what it was before; that is to say, that it only declares, and that it does not alter the law.

What follows? That as making a declaratory act does not alter law, so neither can the mere unmaking of such an act alter law. Or in other words it follows that if a declaratory act is not pronounced to have been an erroneous declaration of

law, the bare repeal of it can do no other than leave the law in that state in which the declaratory act did declare it to have been before such declaratory act passed. An enacting statute alters the law when it is made, and consequently when it is repealed it alters the law; that is to say, its enaction makes law, and therefore its repeal unmakes law.

Inconsiderate people confound this idea of an enacting, with that of a declaratory act, and are imposed on to believe that the repeal of a declaratory act unmakes and alters the law in like manner as the repeal of an enacting statute does; but this is utterly false. The repeal of a declaratory law (unless it contains a renunciation of the principle) is only a repeal of the declaration, and not of the legal principle.

The principle remains behind in full force unless it be renounced. This is universally true, and it is strengthened in this case by this circumstance. Many acts have been made by the British Parliament binding Ireland, some of them before the declaratory law of George the First. Now whilst one of these remains there is an exercise and a proof of the right, stronger by much than the declaratory law. A simple repeal, therefore, of the declaratory law, is no vindication of your legislature.

But it is argued that because in your first address you declare that the British Parliament has no such right, therefore the repeal joined to this will be equal to a renunciation by England. But what man in his senses can believe that our renunciation of the British claim can be equal to her own renunciation of it, or that in any controversy an assertion of a party in his own favor is equal to the admission of his antagonist? If Britain renounces it, no other power on earth can pretend to maintain it.

But if all the rest of the world were to deny her pretension,

yet as long as she maintains it our rights are unvindicated, and our constitution is in danger. Will any man say that if I ask a thing on a particular principle, that therefore if I obtain it at all it must follow that I obtain it on my own principle? There is no such inference in law, in logic, or in reason; it would only appear that the two Parliaments had agreed in one point, that of the bare repeal, but it never would appear without an express renunciation that they agreed in the renunciation also, and we knew the fact to be, that they do not agree with us in that principle.

But to put this argument to a decisive proof, let us suppose that after such a simple repeal, that at a future day the British Parliament should revive the principle and make a law for us. Suppose that Ireland should remonstrate on this — suppose she should read that paragraph of her address, and quote the British repeal of the declaratory law, and should argue from both that England had forever renounced her claim, do you think that England would listen to such an inference, or that any reasoner in Europe would allow the force of the argument? Would she allow you to piece your address to her act of Parliament? If you questioned her declaratory act, would she not question your declaratory address? Would she not appeal to the language held by her own members? Would she not appeal to words upon your journals? Would she not appeal to the silence of her law of repeal, and to your acquiescence under that silence? Would she not say that that was virtually a national relinquishment of any idea of renunciation, so that the principle remained not only unrenounced, but the equity of it impliedly admitted by Ireland at a moment when she was the ablest to contest it?

But I shall be asked (though the repeal of the declaratory

law should be simple and imperfect) whether I think that England will ever revive the claim? I answer, I cannot be certain that she will, neither can I be certain that she will not; and I ask in return whether any man will be surety that she will not; and if any man is weak enough to say that he will be so I will tell him that this nation will not be weak enough to accept of his surety (no mortal is adequate to such a business).

I add that England either has or has not a possible notion of such a revival; if she has not, she will not quarrel about renouncing it; and if she has, the renunciation is absolutely necessary. I add that if she does not renounce the claim, she certainly may revive it; but that if she does renounce it, she certainly cannot revive it.

Yes, you will say, for she might even repeal an act of renunciation; and to argue everything fairly I will admit that in the utmost range of possibility such an outrage is not unimaginable; but what do I infer? Not that I should be the more negligent, but that I ought to be the more careful; that it is my duty to make it impossible if I can; and if I cannot do so, that it is my duty to make it next to impossible. It is absurd to say, because I cannot make a thing physically impracticable, that therefore I should leave it morally easy; but it is good sense to say that I will make a thing as difficult as I can, though I cannot make it as difficult as I would, and that if I cannot make a thing impossible I will make it next to impossible.

Indeed, on what principle did we enter into this business? It was not surely on the silly notion of getting the force or the good will of England to act on our side and against herself in this question. That was impossible. What then was our pursuit? To obtain the utmost security that law could

give; certain that if at such a time of extremity we did not obtain it we never should be able to obtain it; we had but an alternative; either to rely on the liberality of England, and then to suffer her declaratory law to remain as a thing impotent and never to be exercised; or in a matter of such stupendous consequence we were to say that we would not trust the generosity even of Great Britain, but that we would have solid and legal security. The latter is certainly the strongest, and the most rational dependence, but though the former be weaker, it is better than neither.

Now, in desiring even the repeal of the declaratory law, you forfeit the liberality of England, because you do not confide in it; and if you do not carry the matter on until you obtain legal security you in effect relinquish both. That is to say, you do the very worst thing the case is capable of, so that it would be difficult to say whether your attempt was the most glorious, or the conduct of it the most inadequate and disgraceful.

But the pride of England will be hurt. I should be sorry for it; either, however, her pride is contrasted to our security, or it is not; if it is not, our effectuating our security will not hurt her pride; and if it is contrasted to us we must choose one of two things, either to hurt her pride in order to obtain our security, or to relinquish our security in order not to hurt her pride; but if there be a pride on one side there is a pride also on the other; if there be a pride of England there is a pride of Ireland too.

Now I ask which ought to give way, for one must, and I answer impartially, that which has the worst foundation. Now which is that? The pride of England in this case is the pride of wrong and the pride of usurpation. The pride of Ireland is the pride of right, the pride of justice, the pride

of constitution. I will not ask you, after that, which ought to give way; but it is wrong to put this question principally upon pride. England, it is true, has a pride in the matter, but she has what she values more, a principle of power. Ireland, too, has a pride in the matter, but she has what she ought to value much more, a principle of permanent security.

Now that nation will be the wisest in this transaction that sacrifices her least object to preserve her greatest, and England will do this precisely if she can prevail on you to accept of a simple repeal without a renunciation; for in that case she will sacrifice a little pride to preserve all her power; whereas you will, for a petty sacrifice to your pride, forfeit all your security.

But a confidence in the present administration ought to stop us. I deny it, not that I mean to deny or diminish any one of their virtues; I will allow them to have as much ability, power, popularity, and patriotism as any of their predecessors: to fortify my argument, I will suppose them to have more of every excellence than all their predecessors together, and what do I say then? I ask, are the wisest, and greatest men of Ireland the men that would soonest relinquish what they thought to be the rights and dignities of Ireland? Certainly not. Are then the wisest, honestest, and greatest men of England the likeliest to relinquish what they think the rights and dignities of England? Certainly not — either then the ministry are such men as I have been describing, or they are not; if they are not such men they do not deserve our peculiar confidence in anything; and if they are such men they cannot deserve our peculiar confidence in this point unless their principle and conviction be on our side. Now we know it to be decidedly against us.

Why does any country wish for a strong administration,

I ask? Because it makes the country strong. Now was it from the strength of England that we have gained our advantages or from her weakness? From her weakness undoubtedly. How then do we argue? The great strength of administration gives great strength to England, but the great strength of England in this case is the weakness of Ireland; and yet the strength of administration is her security — these things are impossible.

This brings me to what fell from Mr. Fox — he said the measure of the repeal could not stand alone, but must be accompanied by a final adjustment and by a solid basis of permanent connection between these kingdoms; he said that some plan of this sort would come from the servants of the crown in Ireland to the Irish Parliament, that when the result of Parliament was known, a treaty might be begun, if necessary; if a treaty should proceed, then it would be to be ratified by the two Parliaments, and finally to be completed by irrevocable acts of the respective legislatures.

Now, I say, if we are to negotiate at present we are to depart from our original principles; it is not five weeks ago that we all declared that we had made this as a peremptory demand and that we had nothing in it to negotiate; were we now to begin to negotiate we should negotiate after great advantages had been obtained against us; for instance, we were desired to specify our wrongs that they might be redressed; we did so, and as we specified for redress we made our specification as narrow as possible in order to facilitate redress; but had we specified with a view to negotiation we must have made our specification as broad as possible in order to have the greater advantage in negotiation.

Our second address is another advantage gained against us, that is represented even here, and still more will it be held in

England to be a repeated restriction on the requisitions of this country. What follows? That if we were to negotiate now we must negotiate all on one side, bound up not to make demands, and open only to make concessions. Now a negotiation in which one may give everything and gain nothing may be called a negotiation by some men, but by most men it will be called folly; in this, too, we are to propose, though this proposition is to be against ourselves, and we are to propose this through the servants of the crown, which is still more against us.

Now the servants of the crown will not propose terms for England till our Parliament is properly prepared for the subject, and we know what that means. If the servants of the crown and the Parliament cannot be got to go far enough for England, then a treaty is to be begun in which England will have advantage as to matter, and command as to time. In the stage of ratification she will have more, and in that of completion and consummation still greater advantages in all of these stages; all the cabinet and parliamentary councils of England will be unanimous on one side, namely, that of England.

But the cabinet and parliamentary councils of Ireland will not be unanimous in favor of Ireland, but will in general have a decided majority in favor of England. What equity can there be in such a result? Here are five stages marked out by Mr. Fox, in each of which there may a final difference of sentiment, and in each of which there may be a necessity for some and an opportunity for greater delay, without any management; this must be dilatory, and with a little dexterity it can easily be spun out to a piece.

Now I ask you what it is that has given you everything: is it not time? And as time has given you everything, reflect

that time may also take everything away from you; but time is not necessary, negotiation alone is sufficient to undo you; you were not born to be negotiators; the negotiator is a dark, austere, inexorable character; you are soft, open, and persuadable; you have not the detailed knowledge, the systematical procrastination, the suspicious reserve, or the frigid perseverance of a negotiator. When have you negotiated that you have not lost? You negotiated at the restoration, you negotiated at the revolution, you negotiated at the augmentation of your army, you negotiated your free trade, you negotiated the mutiny bill. When have you demanded that you have not succeeded, and when have you negotiated that you have not been deceived?

There never was a time which required more consideration than the present; the national exertion began in the last year of Lord Buckingham's administration, it is now drawing to a period, and whether that shall be glorious or otherwise depends on your wisdom: a short view of what we have done will be a guide to what we should do; we have groaned for a century under an increasing usurpation; the American war broke out, and whilst we were called upon to shed our blood for Great Britain we were insulted with the application of that principle to Ireland which had revolted America; our feelings were exasperated by the application, and our trade was ruined by the war; we saw ourselves beggars in fact and slaves in assertion. The merchants flew to a non-importation agreement, etc., the people flew to arms!

Amidst this perturbation Parliament assembled, and we amended our address by the demand of a free constitution, that is of an exclusive legislature, on which all freedom of trade must depend — and therefore it was that I did originally differ with some gentlemen, for I asserted that they had not

obtained that freedom of trade of which they had boasted, because they had not obtained that freedom of Parliamentary constitution without which a freedom of trade could not exist. We received from England a dilatory answer. We shortened our money grants to the crown — we shortened them to the subject. And the Irish public creditors, to their immortal honor, embarked so fully with the rights of the nation as cheerfully to accept of a six months' security.

This rapid succession of sober and consistent efforts struck like lightning on the ministry and Parliament of England, all obstacles gave way, our demand was to be granted in all its plenitude, all the British statutes restrictive of our foreign commerce were to be repealed, and on that constitutional principle on which alone it would be welcome — a principle, which in that early period of this question I took the first opportunity to lay down in clear, unambiguous, and categorical terms.

What was that principle?

That, having a Parliament of our own, our foreign trade was necessarily free, and subject to no restrictions as to our ports but such as our Parliament might impose. This principle, we were told, was admitted by England as to our foreign trade, and pleaded by her in return as to her own ports and those of her own colonies.

She admitted the principle which we claimed, and she said she would open to us her colony ports on equal regulation of trade. The tidings of this emancipation, as it was idly called, landed in Ireland. The post-office was illuminated by an emissary of the Castle; the college took fire in the next instance by an unhappy contagion, and the city caught the flame in a regular and sympathetic succession. All sober

consideration was lost in an ignorant clamor, and the steady pulse of the public yielded to a fever of exultation.

What was the consequence? England saw that we were surprised at our success — saw that we had asked more than we expected — concluded we would accept of infinitely less — and determined that should be as little as she could. First, then, she determined not to repeal all her laws restrictive of our foreign commerce, yet, whilst an atom of such restriction remains, the total impeachment of your constitution remains; when, therefore, an artful resolution was prepared for this House, on that occasion, expressive of satisfaction in that enlargement of our foreign trade, I exclaimed against that word. If you thank the British Parliament, I said, for the enlargement of your foreign trade, you admit she can restrain it; if you admit she can restrain it, you admit her legislative authority; that is, you gain little in commerce and you lose everything in constitution. I objected to the word foreign, therefore: it belies Ireland and it deceives Great Britain.

The independent gentlemen of the day, however, did not feel, did not take up the principle, yet, though they did not take it up that day, they have felt it since; and though the word was universally admitted then, there is not a man in the nation that would not reject it now. Such was the first of this business. Let us see how much more worse we made it in the progress of negotiation. The language of England was the language of common sense. Ireland must have equal regulations of trade, she said, but equal taxes on home consumption she did not say; equal regulations of trade may subsist between a poor country and a rich one, but equal taxes on consumption cannot.

Now what has your negotiation made of it?

You have made your arrangement a tax-law in part which ought to have been a trade-law in the whole; that is to say, instead of a regulation in trade, you made it a regulation against trade, and a caustic regulation too. What regulation, indeed, can be much more adversary to trade than a heavy tax on a raw material imported for the purpose of trade and for the end of manufacture?

So pernicious are such taxes that the ministers in England, whose profusion has brought them to that country, have endeavored to extenuate their malignity by two regulations; to console the manufacturer, they tell him that they will open to him the foreign market by giving him a drawback on his manufactures exported equal to the tax on the imported material. And they tell him besides that they will shut up from him the home market and give him a monopoly of it. How? By laying a prohibitory duty on the manufacture imported from abroad; and what have they done as to manufactured sugars? They have laid a prohibitory duty upon them when imported into England from any other part of the world, Ireland even not excepted. What have we done? We have laid the same prohibitory duty on manufactured sugars imported into Ireland from any other part of the world; but we have excepted England, whereas she did not except Ireland.

Now, there was much more reason for our excepting England than there was for her excepting Ireland; and why: because Ireland could never, by any possibility, be a rival in sugars to England in the English market, but England is actually a very formidable rival to Ireland in the Irish market.

What is the fact? The Irish manufacturer of sugars has but one rival in the world, and that is the English manufac-

turer of them? And what have we done? We have given him the fullest security against all those that are not his rivals. And we have not given it to him against the only manufacturers that are his rivals; we have given him perfect protection where he is in no danger, and we have not given it to him where he is in all danger.

We have done worse by him, we have not only given him as much security against his only rivals as against those who are not at all his rivals; but we have not left him as much security against his only rivals as he always had before; that is to say, the duty on the imported manufacture now bears a less proportion than ever it did before to the duty on the imported raw materials. By consequence his peril is greater, as his protection is less; and his security being diminished, his danger is enhanced.

But this is not all; you have not done for him what England originally pointed out to you in his favor: she proposed equality as the principle of your regulation of trade; we adopted it religiously in that part to which it was not applicable, and, where it was pernicious, I mean in the tax part; and we only deserted it in the trade part, where alone it was applicable and where alone it was beneficial.

Such was the spirit in which we negotiated our free trade; let us take care how we negotiate our free constitution; but the error of that arrangement does not stop here. Its first principle was erroneous; it set out with this maxim — That you were to pay for this as if it were an enlargement, and that you were to pay for it in tax, as if you had not paid it otherwise before. But what is the truth? The sugars of Spain, Portugal, and France would supply your manufactures as well as the British West India Islands, and generally better; if, whilst you retained those markets, Eng-

land had opened her colony ports too, this would have been a new market, which is always an advantage to the buyer.

But what is the case now? You are suffered to go to the colony market of England, which is the English market in effect, and which is therefore her advantage; but, you give up this for all other and some better markets, which is your advantage. Instead of its being an enlargement, therefore, this is more properly a restriction; and instead of England's granting you a boon in this matter it is you that gave her a monopoly.

Now, a monopoly is so much against the giver, and so much in favor of the obtainer of it, that no nation in its senses ever gives it to another.

And if a part of an empire gives it to the head, it cannot be on a principle of trade, because a principle of trade is a principle of gain, whereas this is a principle of loss. On what principle alone can it be given? On a principle of empire. That is to say, in other words, it is a tax or a tribute, and that of the heaviest nature; but, if you were to pay for it in taxes besides paying for it by monopoly, it would be absurd to pay for it more than it was worth.

Now take the whole West India commerce, take the utmost proportion of that commerce that could ever fall to your lot, take the utmost proportion of clear profit than can be supposed to accrue from that quantity of trade, and then take the utmost proportion of what clear profit that can be afforded to revenue, and I say it would never amount to that sum which you have agreed to pay on the instant for the contingency of this direct trade, with this additional absurdity, that if you should not be able to establish it these additional duties will be equally payable upon your old circuitous trade,

which before was free from them. Will you trust negotiation again?

This arrangement cannot be justified on any commercial principle. Was any constitutional advantage obtained by it? Far from it: the very principle of the arrangement is hostile to the constitution; it gives to the British Parliament a virtual power of taxing you; for what is the principle of it? That when England taxes a colony produce you must tax it equally or give up the trade. Thus this arrangement leaves both your trade and your money at the mercy of the ministry and Parliament of England. Combine this with another law of the same period, the mutiny bill, therefore, and see what the result of both is. You complained that the British Parliament should make even a twelve-months law for your army; and what did you do to remedy it? You made an act, that she should do it forever.

The two greatest powers in the management of human concerns are the power of the purse and the power of the sword. You did by these two laws for so much delegate away both of these great powers from yourselves to the British Parliament; that is to say, in the very moment that you talked of recovering your own authority and denying that of the British legislature you did everything you could to strengthen the power of that Parliament which you meant to overthrow, and to weaken the power of that Parliament which you meant to establish. I do not speak these things in order to say what is disagreeable to any man living, much less to say anything disagreeable to that body in defence of whose privileges I have lived these two-and-twenty years, and in defence of whose privileges I will die. I speak them from a deep conviction of their necessity. You see how you have been negotiated out of everything, and how dangerous it is to negotiate again. You

see how dangerous it is to exult too soon or to imagine that anything of this kind is done while anything remains undone. You see what a miserable end was made of Lord Buckingham's last session of Parliament, though it began with so much splendor; and as a part of this session has trod the steps of its glory I would warn the conclusion of it against the steps of its decline. To put a stop, therefore, to the danger of negotiation, and to accelerate the safety of an immediate repeal, and of a final renunciation, I move the resolution I have before stated to you.

JOHN ADAMS

JOHN ADAMS was born in 1735 in that part of the township of Braintree in Massachusetts, which, on a subsequent division, was called Quincy. After graduating at Harvard College in 1755, he was admitted to practice at the bar, and gradually acquired so much distinction both as a lawyer and a patriot that the office of Advocate-General in the Admiralty Court was offered to him by the Royal Governor. His first conspicuous interference in political affairs was at a meeting held in Braintree in 1765 to oppose the Stamp Act. Five years later he defended some British soldiers who were tried in Boston on a charge of murder, and he obtained a verdict of acquittal without lessening his popularity. In 1774 he was one of the delegates of Massachusetts to the Continental Congress, and thenceforth he was one of the most energetic leaders of that body. He was a member of the committee which framed the Declaration of Independence and one of the most powerful advocates of its adoption. It was he who in the previous year (1775) had proposed the appointment of George Washington as Commander-in-Chief of the Colonial forces. In 1777 he, with three other members, was appointed a commissioner to France, but after remaining in Paris about a year and a half he was recalled in consequence of a disagreement with Franklin. Toward the end of 1779 Adams was charged with two commissions, one as a plenipotentiary to treat for peace, the other empowering him to conclude a commercial treaty with Great Britain. In Holland he succeeded in negotiating a loan, and he persuaded that country to enter into a commercial treaty with the United States and to join the association known as the "League of Neutrals." In 1785 he was appointed a Minister to the Court of St. James's, and he remained in England until the close of 1787. Soon afterward, when the government established by the new Federal Constitution went into operation, he was chosen Vice-President, and upon Washington's refusal to accept a nomination for a third term of the chief magistracy, Adams became President. Owing to the division in the Federalist ranks caused by Hamilton's opposition to Adams, the latter was not re-elected. On March 4, 1801, he retired to private life, never again appearing upon any public occasion, except as a member of the convention called for the purpose of revising the State Constitution of Massachusetts. He died on the 4th of July, 1826, his rival and friend Jefferson having, by a singular coincidence, expired a few hours earlier on the same day.

INAUGURAL ADDRESS

MARCH 4, 1797

WHEN it was first perceived, in early times, that no middle course for America remained, between unlimited submission to a foreign legislature and a total independence of its claims, men of reflection were less apprehensive of danger from the formidable powers of fleets and armies they must determine to resist, than from those contests and dissensions which would certainly arise concerning the forms of government to be instituted over the whole and over the parts of this extensive country. Relying, however, on the purity of their intentions, the justice of their cause, and the integrity and intelligence of the people, under an overruling Providence, which had so signally protected this country from the first, the representatives of this nation, then consisting of little more than half its present numbers, not only broke to pieces the chains which were forging, and the rod of iron that was lifted up, but frankly cut asunder the ties which had bound them, and launched into an ocean of uncertainty.

The zeal and ardor of the people during the Revolutionary War, supplying the place of government, commanded a degree of order, sufficient, at least, for the temporary preservation of society. The confederation, which was early felt to be necessary, was prepared from the models of the Bavarian and Helvetic confederacies, the only examples which remain, with any detail and precision, in history, and certainly the only ones which the people at large had

ever considered. But, reflecting on the striking difference, in so many particulars, between this country and those where a courier may go from the seat of government to the frontier in a single day, it was then certainly foreseen by some who assisted in Congress at the formation of it, that it could not be durable.

Negligence of its regulations, inattention to its recommendations, if not disobedience to its authority, not only in individuals but in States, soon appeared with their melancholy consequences—universal languor, jealousies, rivalries of States, decline of navigation and commerce, discouragement of necessary manufactures, universal fall in the value of lands and their produce, contempt of public and private faith, loss of consideration and credit with foreign nations; and, at length, in discontents, animosities, combinations, partial conventions, and insurrection, threatening some great national calamity.

In this dangerous crisis, the people of America were not abandoned by their usual good sense, presence of mind, resolution, or integrity. Measures were pursued to concert a plan to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty. The public disquisitions, discussions, and deliberations issued in the present happy constitution of government.

Employed in the service of my country abroad during the whole course of these transactions, I first saw the Constitution of the United States in a foreign country. Irritated by no literary altercation, animated by no public debate, heated by no party animosity, I read it with great satisfaction, as the result of good heads, prompted by good

hearts, as an experiment better adapted to the genius, character, situation, and relations of this nation and country than any which had ever been proposed or suggested. In its general principles and great outlines, it was conformable to such a system of government as I had ever most esteemed, and in some States, my own native State in particular, had contributed to establish. Claiming a right of suffrage common with my fellow-citizens in the adoption or rejection of a constitution, which was to rule me and my posterity, as well as them and theirs, I did not hesitate to express my approbation of it on all occasions, in public and in private. It was not then, nor has been since, any objection to it, in my mind, that the Executive and Senate were not more permanent. Nor have I entertained a thought of promoting any alteration in it, but such as the people themselves, in the course of their experience, should see and feel to be necessary or expedient, and by their representatives in Congress and the State legislature, according to the Constitution itself, adopt and ordain.

Returning to the bosom of my country, after a painful separation from it for ten years, I had the honor to be elected to a station under the new order of things; and I have repeatedly laid myself under the most serious obligations to support the Constitution. The operation of it has equalled the most sanguine expectations of its friends; and from a habitual attention to it, satisfaction in its administration, and delight in its effects upon the peace, order, prosperity, and happiness of the nation, I have acquired a habitual attachment to it, and veneration for it.

What other form of government, indeed, can so well deserve our esteem and love?

There may be little solidity in an ancient idea that con-

gregations of men into cities and nations are the most pleasing objects in the sight of superior intelligences; but this is very certain, that to a benevolent human mind there can be no spectacle presented by any nation more pleasing, more noble, majestic, or august, than an assembly like that which has so often been seen in this and the other Chamber of Congress—of a government in which the executive authority, as well as that of all the branches of the legislature, are exercised by citizens selected at regular periods by their neighbors, to make and execute laws for the general good. Can anything essential, anything more than mere ornament and decoration be added to this by robes or diamonds? Can authority be more amiable or respectable when it descends from accident or institutions established in remote antiquity than when it springs fresh from the hearts and judgments of an honest and enlightened people? For it is the people that are represented; it is their power and majesty that is reflected, and only for their good, in every legitimate government, under whatever form it may appear. The existence of such a government as ours for any length of time is a full proof of a general dissemination of knowledge and virtue throughout the whole body of the people. And what object of consideration more pleasing than this can be presented to the human mind? If natural pride is ever justifiable or excusable, it is when it springs, not from power or riches, grandeur or glory, but from conviction of national innocence, information, and benevolence.

In the midst of these pleasing ideas, we should be unfaithful to ourselves if we should ever lose sight of the danger to our liberties—if anything partial or extraneous should infect the purity of our free, fair, virtuous, and independent elections. If an election is to be determined by

a majority of a single vote, and that can be procured by a party through artifice or corruption, the government may be the choice of a party, for its own ends, not of the nation for the national good. If that solitary suffrage can be obtained by foreign nations by flattery or menaces, by fraud or violence, by terror, intrigue, or venality, the government may not be the choice of the American people, but of foreign nations. It may be foreign nations who govern us, and not we, the people, who govern ourselves; and candid men will acknowledge that, in such cases, choice would have little advantage to boast of over lot or chance.

Such is the amiable and interesting system of government (and such are some of the abuses to which it may be exposed) which the people of America have exhibited to the admiration and anxiety of the wise and virtuous of all nations for eight years, under the administration of a citizen, who, by a long course of great actions, regulated by prudence, justice, temperance, and fortitude, conducting a people inspired with the same virtues, and animated with the same ardent patriotism and love of liberty, to independence and peace, to increasing wealth and unexampled prosperity, has merited the gratitude of his fellow-citizens, commanded the highest praises of foreign nations, and secured immortal glory with posterity.

In that retirement, which is his voluntary choice, may he long live to enjoy the delicious recollection of his services —the gratitude of mankind; the happy fruits of them to himself and the world, which are daily increasing, and that splendid prospect of the future fortunes of his country, which is opening from year to year. His name may be still a rampart and the knowledge that he lives a bulwark against all open or secret enemies of his country's peace.

This example has been recommended to the imitation of his successors, by both Houses of Congress, and by the voice of the Legislatures and the people, throughout the nation.

On this subject it might become me better to be silent, or to speak with diffidence; but as something may be expected, the occasion, I hope, will be admitted as an apology, if I venture to say, that if a preference upon principle, of a free republican government, formed upon long and serious reflection, after a diligent and impartial inquiry after truth; if an attachment to the Constitution of the United States, and a conscientious determination to support it, until it shall be altered by the judgments and wishes of the people, expressed in the mode prescribed in it; if a respectful attention to the Constitution of the individual States, and a constant caution and delicacy toward the State governments; if an equal and impartial regard to the rights, interests, honor, and happiness of all the States in the Union, without preference or regard to a northern or southern, eastern or western position, their various political opinions on essential points, or their personal attachments; if a love of virtuous men, of all parties and denominations; if a love of science or letters and a wish to patronize every rational effort to encourage schools, colleges, universities, academies, and every institution of propagating knowledge, virtue, and religion among all classes of people, not only for their benign influence on the happiness of life, in all its stages and classes, and of society in all its forms, but as the only means of preserving our Constitution from its natural enemies, the spirit of sophistry, the spirit of party, the spirit of intrigue, profligacy, and corruption, and the pestilence of foreign influence, which is the angel of destruction to elective governments; if a love of equal laws, of justice and humanity, in

the interior administration; if an inclination to improve agriculture, commerce, and manufactures for necessity, convenience, and defence; if a spirit of equity and humanity toward the aboriginal nations of America, and a disposition to ameliorate their condition by inclining them to be more friendly to us, and our citizens to be more friendly to them; if an inflexible determination to maintain peace and inviolable faith with all nations, and the system of neutrality and impartiality among the belligerent powers of Europe which has been adopted by the government, and so solemnly sanctioned by both Houses of Congress, and applauded by the Legislatures of the States and by public opinion, until it shall be otherwise ordained by Congress; if a personal esteem for the French nation, formed in a residence of seven years chiefly among them, and a sincere desire to preserve the friendship, which has been so much for the honor and interest of both nations; if, while the conscious honor and integrity of the people of America and the internal sentiment of their own power and energies must be preserved, an earnest endeavor to investigate every just cause, and remove every colorable pretence of complaint; if an intention to pursue, by amicable negotiation, a reparation for the injuries that have been committed on the commerce of our fellow-citizens, by whatever nation, and, if success cannot be obtained, to lay the facts before the Legislature, that they may consider what further measures the honor and interest of the government and its constituents demand; if a resolution to do justice, as far as may depend upon me, at all times and to all nations, and maintain peace, friendship, and benevolence with all the world; if an unshaken confidence in the honor, spirit, and resources of the American people, on which I have so often hazarded my all, and

never been deceived; if elevated ideas of the high destinies of this country, and of my own duties toward it, founded on a knowledge of the moral principles and intellectual improvements of the people, deeply engraven on my mind in early life, and not obscured, but exalted, by experience and age; and with humble reverence, I feel it my duty to add, if a veneration for the religion of the people who profess and call themselves Christians, and a fixed resolution to consider a decent respect for Christianity among the best recommendations for the public service, can enable me, in any degree, to comply with your wishes, it shall be my strenuous endeavor that this sagacious injunction of the two Houses shall not be without effect.

With this great example before me—with the sense and spirit, the faith and honor, the duty and interest of the same American people, pledged to support the Constitution of the United States, I entertain no doubt of its continuance in all its energy; and my mind is prepared, without hesitation, to lay myself under the most solemn obligations to support it to the utmost of my power.

And may that Being who is supreme over all, the patron of order, the fountain of justice, and the protector, in all ages of the world, of virtuous liberty, continue his blessing upon this nation and its government, and give it all possible success and duration, consistent with the ends of his providence!

THE BOSTON MASSACRE

FIRST DAY'S SPEECH IN DEFENCE OF THE BRITISH SOLDIERS ACCUSED OF MURDERING ATTUCKS, GRAY AND OTHERS, IN THE BOSTON RIOT OF 1770

May it Please Your Honor, and You, Gentlemen of the Jury:

I AM for the prisoners at the bar, and shall apologize for it only in the words of the Marquis Beccaria: "If I can but be the instrument of preserving one life, his blessings and tears of transport shall be a sufficient consolation for me for the contempt of all mankind."

As the prisoners stand before you for their lives, it may be proper to recollect with what temper the law requires we should proceed to this trial. The form of proceeding at their arraignment has discovered that the spirit of the law upon such occasions is conformable to humanity, to common-sense and feeling; that it is all benignity and candor. And the trial commences with the prayer of the court, expressed by the clerk, to the Supreme Judge of judges, empires, and worlds, "God send you a good deliverance."

We find in the rules laid down by the greatest English judges, who have been the brightest of mankind: We are to look upon it as more beneficial that many guilty persons should escape unpunished than one innocent should suffer. The reason is, because it is of more importance to the community that innocence should be protected than it is that guilt should be punished; for guilt and crimes are so frequent in the world that all of them cannot be punished; and many times they happen in such a manner that it is not of much consequence to the public whether they are punished or not. But when innocence itself is brought to the bar and

condemned, especially to die, the subject will exclaim, "It is immaterial to me whether I behave well or ill, for virtue itself is no security." And if such a sentiment as this should take place in the mind of the subject, there would be an end to all security whatsoever. I will read the words of the law itself.

The rules I shall produce to you from Lord Chief-Justice Hale, whose character as a lawyer, a man of learning and philosophy, and a Christian, will be disputed by nobody living; one of the greatest and best characters the English nation ever produced. His words are these:

2 H. H. P. C. "Tutius semper est errare, in acquietando quam in puniendo, ex parte misericordiæ quam ex parte justitiæ."—"It is always safer to err in acquitting than punishing, on the part of mercy than the part of justice."

The next is from the same authority, 305:

"Tutius erratur ex parte mitiori."—"It is always safer to err on the milder side, the side of mercy."

H. H. P. C. 509. "The best rule in doubtful cases is rather to incline to acquittal than conviction."

And on page 300:

"Quod dubitas, ne feceris."—"Where you are doubtful, never act; that is, if you doubt of the prisoner's guilt, never declare him guilty."

This is always the rule, especially in cases of life. Another rule from the same author, 289, where he says:

"In some cases presumptive evidences go far to prove a person guilty, though there is no express proof of the fact to be committed by him; but then it must be very warily expressed, for it is better five guilty persons should escape unpunished than one innocent person should die."

The next authority shall be from another judge of equal character, considering the age wherein he lived; that is, Chancellor Fortescue, in "Praise of the Laws of England," page 59. This is a very ancient writer on the English law. His words are:

"Indeed, one would rather, much rather, that twenty guilty persons escape punishment of death, than one innocent person be condemned and suffer capitally."

Lord Chief-Justice Hale says:

"It is better five guilty persons escape, than one innocent person suffer."

Lord Chancellor Fortescue, you see, carries the matter further, and says:

"Indeed, one had rather, much rather, that twenty guilty persons should escape than one innocent person suffer capitally."

Indeed, this rule is not peculiar to the English law; there never was a system of laws in the world in which this rule did not prevail. It prevailed in the ancient Roman law, and, which is more remarkable, it prevails in the modern Roman law. Even the judges in the Courts of Inquisition, who with racks, burnings, and scourges examine criminals—even there they preserve it as a maxim, that it is better the guilty should escape punishment than the innocent suffer. "Satius esse nocentem absolvi quam innocentem damnari." This is the temper we ought to set out with, and these the rules we are to be governed by. And I shall take it for granted, as a first principle, that the eight prisoners at the bar had better be all acquitted, though we

should admit them all to be guilty, than that any one of them should, by your verdict, be found guilty, being innocent.

I shall now consider the several divisions of law under which the evidence will arrange itself.

The action now before you is homicide; that is, the killing of one man by another. The law calls it homicide; but it is not criminal in all cases for one man to slay another. Had the prisoners been on the Plains of Abraham and slain a hundred Frenchmen apiece, the English law would have considered it as a commendable action, virtuous and praiseworthy; so that every instance of killing a man is not a crime in the eye of the law. There are many other instances which I cannot enumerate—an officer that executes a person under sentence of death, etc. So that, gentlemen, every instance of one man's killing another is not a crime, much less a crime to be punished with death. But to descend to more particulars.

The law divides homicide into three branches; the first is "justifiable," the second "excusable," and the third "felonious." Felonious homicide is subdivided into two branches; the first is murder, which is killing with malice aforethought; the second is manslaughter, which is killing a man on a sudden provocation. Here, gentlemen, are four sorts of homicide; and you are to consider whether all the evidence amounts to the first, second, third, or fourth of these heads. The fact was the slaying five unhappy persons that night. You are to consider whether it was justifiable, excusable, or felonious; and if felonious, whether it was murder or manslaughter. One of these four it must be. You need not divide your attention to any more particulars. I shall, however, before I come to the evidence, show you

several authorities which will assist you and me in contemplating the evidence before us.

I shall begin with justifiable homicide. If an officer, a sheriff, execute a man on the gallows, draw and quarter him, as in case of high treason, and cut off his head, this is justifiable homicide. It is his duty. So also, gentlemen, the law has planted fences and barriers around every individual; it is a castle round every man's person, as well as his house. As the love of God and our neighbor comprehends the whole duty of man, so self-love and social comprehend all the duties we owe to mankind; and the first branch is self-love, which is not only our indisputable right, but our clearest duty. By the laws of nature, this is interwoven in the heart of every individual. God Almighty, whose law we cannot alter, has implanted it there, and we can annihilate ourselves as easily as root out this affection for ourselves. It is the first and strongest principle in our nature. Justice Blackstone calls it "The primary canon in the law of nature." That precept of our holy religion which commands us to love our neighbor as ourselves does not command us to love our neighbor better than ourselves, or so well. No Christian divine has given this interpretation. The precept enjoins that our benevolence to our fellow-men should be as real and sincere as our affection to ourselves, not that it should be as great in degree. A man is authorized, therefore, by common-sense and the laws of England, as well as those of nature, to love himself better than his fellow-subject. If two persons are cast away at sea, and get on a plank (a case put by Sir Francis Bacon), and the plank is insufficient to hold them both, the one has a right to push the other off to save himself. The rules of the common law, therefore, which authorize a man to pre-

serve his own life at the expense of another's, are not contradicted by any divine or m ral law. We talk of liberty and property, but if we cut up the law of self-defence, we cut up the foundations of both; and if we give up this, the rest is of very little value, and therefore this principle must be strictly attended to; for whatsoever the law pronounces in the case of these eight soldiers will be the law to other persons and after ages. All the persons that have slain mankind in this country from the beginning to this day had better have been acquitted than that a wrong rule and precedent should be established.

I shall now read to you a few authorities on this subject of self-defence. Foster, 273 (in the case of justifiable self-defence):

"The injured party may repel force with force in defence of person, habitation, or property, against one who manifestly intendeth and endeavoreth with violence or surprise to commit a known felony upon either. In these cases he is not obliged to retreat, but may pursue his adversary till he finds himself out of danger; and if in a conflict between them he happeneth to kill, such killing is justifiable."

I must entreat you to consider the words of this authority. The injured person may repel force by force against any who endeavoreth to commit any kind of felony on him or his. Here the rule is, I have a right to stand on my own defence, if you intend to commit felony. If any of the persons made an attack on these soldiers, with an intention to rob them, if it was but to take their hats feloniously, they had a right to kill them on the spot, and had no business to retreat. If a robber meet me in the street and command me to surrender my

purse, I have a right to kill him without asking any questions. If a person commit a bare assault on me, this will not justify killing; but if he assault me in such a manner as to discover an intention to kill me, I have a right to destroy him, that I may put it out of his power to kill me. In the case you will have to consider, I do not know there was any attempt to steal from these persons; however, there were some persons concerned who would, probably enough, have stolen, if there had been anything to steal, and many were there who had no such disposition. But this is not the point we aim at. The question is, Are you satisfied the people made the attack in order to kill the soldiers? If you are satisfied that the people, whoever they were, made that assault with a design to kill or maim the soldiers, this was such an assault as will justify the soldiers killing in their own defence. Further, it seems to me, we may make another question, whether you are satisfied that their real intention was to kill or maim, or not? If any reasonable man in the situation of one of these soldiers would have had reason to believe in the time of it, that the people came with an intention to kill him, whether you have this satisfaction now or not in your own minds, they were justifiable, at least excusable, in firing. You and I may be suspicious that the people who made this assault on the soldiers did it to put them to flight, on purpose that they might go exulting about the town afterward in triumph; but this will not do. You must place yourselves in the situation of Weems and Killroy—consider yourselves as knowing that the prejudice of the world about you thought you came to dragoon them into obedience, to statutes, instructions, mandates, and edicts, which they thoroughly detested—that many of these

people were thoughtless and inconsiderate, old and young, sailors and landsmen, negroes and mulattoes—that they, the soldiers, had no friends about them, the rest were in opposition to them; with all the bells ringing to call the town together to assist the people in King Street, for they knew by that time that there was no fire; the people shouting, huzzaing, and making the mob whistle, as they call it, which, when a boy makes it in the street is no formidable thing, but when made by a multitude is a most hideous shriek, almost as terrible as an Indian yell; the people crying, "Kill them, kill them. Knock them over," heaving snowballs, oyster shells, clubs, white-birch sticks three inches and a half in diameter; consider yourselves in this situation, and then judge whether a reasonable man in the soldiers' situation would not have concluded they were going to kill him. I believe if I were to reverse the scene, I should bring it home to our own bosoms. Suppose Colonel Marshall when he came out of his own door and saw these grenadiers coming down with swords, etc., had thought it proper to have appointed a military watch; suppose he had assembled Gray and Attucks that were killed, or any other person in town, and appointed them in that situation as a military watch, and there had come from Murray's barracks thirty or forty soldiers with no other arms than snowballs, cakes of ice, oyster shells, cinders, and clubs, and attacked this military watch in this manner, what do you suppose would have been the feelings and reasonings of any of our householders? I confess, I believe they would not have borne one-half of what the witnesses have sworn the soldiers bore, till they had shot down as many as were necessary to intimidate and disperse the rest; because the law does not oblige us to

bear insults to the danger of our lives, to stand still with such a number of people around us, throwing such things at us, and threatening our lives, until we are disabled to defend ourselves.

Foster, 274: "Where a known felony is attempted upon the person, be it to rob or murder, here the party assaulted may repel force with force, and even his own servant, then attendant on him, or any other person present, may interpose for preventing mischief, and if death ensue, the party so interposing will be justified. In this case nature and social duty co-operate."

Hawkins, P. C., Chapter 28, Section 25, toward the end: "Yet it seems that a private person, *a fortiori*, an officer of justice, who happens unavoidably to kill another in endeavoring to defend himself from or suppress dangerous rioters, may justify the fact inasmuch as he only does his duty in aid of the public justice."

Section 24: "And I can see no reason why a person, who, without provocation, is assaulted by another, in any place whatsoever, in such a manner as plainly shows an intent to murder him, as by discharging a pistol, or pushing at him with a drawn sword, etc., may not justify killing such an assailant, as much as if he had attempted to rob him. For is not he who attempts to murder me more injurious than he who barely attempts to rob me? And can it be more justifiable to fight for my goods than for my life?"

And it is not only highly agreeable to reason that a man in such circumstances may lawfully kill another, but it seems also to be confirmed by the general tenor of our books, which, speaking of homicide *se defendo*, suppose it done in some quarrel or affray.

Hawkins, p. 71, § 14: "And so, perhaps, the killing of dangerous rioters may be justified by any private persons, who cannot otherwise suppress them or defend themselves

from them, inasmuch as every private person seems to be authorized by the law to arm himself for the purposes aforesaid."

Here every private person is authorized to arm himself; and on the strength of this authority I do not deny the inhabitants had a right to arm themselves at that time for their defence, not for offence. That distinction is material, and must be attended to.

Hawkins, p. 75, § 14: "And not only he who on an assault retreats to the wall, or some such strait, beyond which he can go no further before he kills the other, is judged by the law to act upon unavoidable necessity; but also he who being assaulted in such a manner and in such a place that he cannot go back without manifestly endangering his life, kills the other without retreating at all."

Section 16: "And an officer who kills one that insults him in the execution of his office, and where a private person that kills one who feloniously assaults him in the highway, may justify the fact without ever giving back at all."

There is no occasion for the magistrate to read the Riot Act. In the case before you, I suppose you will be satisfied when you come to examine the witnesses and compare it with the rules of the common law, abstracted from all mutiny acts and articles of war, that these soldiers were in such a situation that they could not help themselves. People were coming from Royal Exchange Lane, and other parts of the town, with clubs and cordwood sticks; the soldiers were planted by the wall of the Custom House; they could not retreat; they were surrounded on all sides, for there were people behind them as well as before them; there were a number of people in the Royal Exchange Lane; the soldiers were so near to the Custom House that

they could not retreat, unless they had gone into the brick wall of it. I shall show you presently that all the party concerned in this unlawful design were guilty of what any one of them did; if anybody threw a snowball it was the act of the whole party; if any struck with a club or threw a club, and the club had killed anybody, the whole party would have been guilty of murder in the law. Lord Chief-Justice Holt, in Mawgrige's case (Keyling, 128), says:

"Now, it has been held, that if A of his malice prepense assaults B to kill him, and B draws his sword and attacks A and pursues him, then A, for his safety, gives back and retreats to a wall, and B still pursuing him with his drawn sword, A in his defence kills B; this is murder in A. For A having malice against B, and in pursuance thereof endeavoring to kill him, is answerable for all the consequences of which he was the original cause. It is not reasonable for any man that is dangerously assaulted, and when he perceives his life in danger from his adversary, but to have liberty for the security of his own life, to pursue him that maliciously assaulted him; for he that has manifested that he has malice against another is not fit to be trusted with a dangerous weapon in his hand. And so resolved by all the judges when they met at Seargeant's Inn, in preparation for my Lord Morley's trial."

In the case here we will take Montgomery, if you please, when he was attacked by the stout man with a stick, who aimed it at his head, with a number of people round him crying out, "Kill them, kill them." Had he not a right to kill the man? If all the party were guilty of the assault made by the stout man, and all of them had discovered malice in their hearts, had not Montgomery a right, according to Lord Chief-Justice Holt, to put it out of their power to wreak their malice upon him? I will not at present look

for any more authorities in the point of self-defence; you will be able to judge from these how far the law goes in justifying or excusing any person in defence of himself, or taking away the life of another who threatens him in life or limb. The next point is this: that in case of an unlawful assembly, all and every one of the assembly is guilty of all and every unlawful act committed by any one of that assembly in prosecution of the unlawful design set out upon.

Rules of law should be universally known, whatever effect they may have on politics; they are rules of common law, the law of the land; and it is certainly true, that wherever there is an unlawful assembly, let it consist of many persons or of a few, every man in it is guilty of every unlawful act committed by any one of the whole party, be they more or be they less, in pursuance of their unlawful design. This is the policy of the law; to discourage and prevent riots, insurrections, turbulence, and tumults.

In the continual vicissitudes of human things, amid the shocks of fortune and the whirls of passion that take place at certain critical seasons, even in the mildest government, the people are liable to run into riots and tumults. There are Church-quakes and State-quakes in the moral and political world, as well as earthquakes, storms, and tempests in the physical. Thus much, however, must be said in favor of the people and of human nature, that it is a general, if not a universal truth, that the aptitude of the people to mutinies, seditions, tumults, and insurrections, is in direct proportion to the despotism of the government. In governments completely despotic—that is, where the will of one man is the only law, this disposition is most prevalent. In aristocracies next; in mixed monarchies, less than either of

the former; in complete republics the least of all, and under the same form of governments as in a limited monarchy, for example, the virtue and wisdom of the administrations may generally be measured by the peace and order that are seen among the people. However this may be, such is the imperfection of all things in this world, that no form of government, and perhaps no virtue or wisdom in the administration, can at all times avoid riots and disorders among the people.

Now, it is from this difficulty that the policy of the law has framed such strong discouragements to secure the people against tumults; because, when they once begin, there is danger of their running to such excesses as will overturn the whole system of government. There is the rule from the reverend sage of the law, so often quoted before:

1 H. H. P. C. 437: "All present, aiding and assisting, are equally principal with him that gave the stroke whereof the party died. For though one gave the stroke, yet in interpretation of law it is the stroke of every person that was present, aiding and assisting."

1 H. H. P. C. 440: "If divers come with one assent to do mischief, as to kill, to rob or beat, and one doeth it, they are all principals in the felony. If many be present and one only give the stroke whereof the party dies, they are all principal, if they came for that purpose."

Now, if the party at Dock Square came with an intention only to beat the soldiers, and began to affray with them, and any of them had been accidentally killed, it would have been murder, because it was an unlawful design they came upon. If but one does it they are all considered in the eyes of the law guilty; if any one gives the mortal stroke, they are all principals here, therefore there is a re-

versal of the scene. If you are satisfied that these soldiers were there on a lawful design, and it should be proved any of them shot without provocation, and killed anybody, he only is answerable for it.

First Hale's Pleas of the Crown, 1 H. H. P. C. 444: "Although if many come upon an unlawful design, and one of the company kill one of the adverse party in pursuance of that design, all are principals; yet if many be together upon a lawful account, and one of the company kill another of the adverse party, without any particular abetment of the rest to this fact of homicide, they are not all guilty that are of the company, but only those that gave the stroke or actually abetted him to do it."

1 H. H. P. C. 445: "In case of a riotous assembly to rob or steal deer, or to do any unlawful act of violence, there the offence of one is the offence of all the company."

In another place, 1 H. H. P. C. 439: "The Lord Dacre and divers others went to steal deer in the park of one Pellham. Raydon, one of the company, killed the keeper in the park, the Lord Dacre and the rest of the company being in the other part of the park. Yet it was adjudged murder in them all, and they died for it." And he quotes Crompton 25, Dalton 93, p. 241: "So that in so strong a case as this, where this nobleman set out to hunt deer in the ground of another, he was in one part of the park and his company in another part, yet they were all guilty of murder."

The next is:

Hale's Pleas of the Crown, 1 H. H. P. C. 440: "The case of Drayton Bassit; divers persons doing an unlawful act, all are guilty of what is done by one."

Foster 353, 354: "A general resolution against all opposers, whether such resolution appears upon evidence to have been actually and implicitly entered into by the confederates, or may reasonably be collected from their number, arms or behavior, at or before the scene of action, such

resolutions so proved have always been considered as strong ingredients in cases of this kind. And in cases of homicide committed in consequence of them, every person present, in the sense of the law, when the homicide has been involved in the guilt of him that gave the mortal blow."

Foster: "The cases of Lord Dacre, mentioned by Hale, and of Pudsey, reported by Crompton and cited by Hale, turned upon this point. The offences they respectively stood charged with, as principals, were committed far out of their sight and hearing, and yet both were held to be present. It was sufficient that at the instant the facts were committed, they were of the same party and upon the same pursuit, and under the same engagements and expectations of mutual defence and support with those that did the facts."

Thus far I have proceeded, and I believe it will not be hereafter disputed by anybody, that this law ought to be known to every one who has any disposition to be concerned in an unlawful assembly, whatever mischief happens in the prosecution of the design they set out upon, all are answerable for it. It is necessary we should consider the definitions of some other crimes as well as murder; sometimes one crime gives occasion to another. An assault is sometimes the occasion of manslaughter, sometimes of excusable homicide. It is necessary to consider what is a riot. 1 Hawkins, ch. 65, § 2: I shall give you the definition of it:

"Wheresoever more than three persons use force or violence, for the accomplishment of any design whatever, all concerned are rioters."

Were there not more than three persons in Dock Square? Did they not agree to go to King Street, and attack the main guard? Where, then, is the reason for

hesitation at calling it a riot? If we cannot speak the law as it is, where is our liberty? And this is law, that wherever more than three persons are gathered together to accomplish anything with force, it is a riot.

1 Hawkins, ch. 65, § 2: "Wherever more than three persons use force and violence, all who are concerned therein are rioters. But in some cases wherein the law authorizes force, it is lawful and commendable to use it. As for a sheriff [2 And. 67 Poph. 121], or constable [3 H. 7, 10, 6], or perhaps even for a private person [Poph. 121, Moore 656], to assemble a competent number of people, in order with force to oppose rebels or enemies or rioters, and afterward, with such force actually to suppress them."

I do not mean to apply the word rebel on this occasion; I have no reason to suppose that ever there was one in Boston, at least among the natives of the country; but rioters are in the same situation, as far as my argument is concerned, and proper officers may suppress rioters, and so may even private persons.

If we strip ourselves free from all military laws, mutiny acts, articles of war and soldiers' oaths, and consider these prisoners as neighbors, if any of their neighbors were attacked in King Street, they had a right to collect together to suppress this riot and combination. If any number of persons meet together at a fair or market, and happen to fall together by the ears, they are not guilty of a riot, but of a sudden affray. Here is another paragraph, which I must read to you:

1 Hawkins, ch. 65, § 3: "If a number of persons being met together at a fair or market, or on any other lawful or innocent occasion, happen, on a sudden quarrel, to fall together by the ears, they are not guilty of a riot, but of a

sudden affray only, of which none are guilty but those who actually began it," etc.

It would be endless, as well as superfluous, to examine whether every particular person engaged in a riot were in truth one of the first assembly or actually had a previous knowledge of the design thereof. I have endeavored to produce the best authorities, and to give you the rules of law in their words, for I desire not to advance anything of my own. I choose to lay down the rules of law from authorities which cannot be disputed. Another point is this, whether and how far a private person may aid another in distress? Suppose a press-gang should come on shore in this town and assault any sailor or householder in King Street, in order to carry him on board one of his Majesty's ships, and impress him without any warrant as a seaman in his Majesty's service; how far do you suppose the inhabitants would think themselves warranted by law to interpose against that lawless press-gang? I agree that such a press-gang would be as unlawful an assembly as that was in King Street. If they were to press an inhabitant and carry him off for a sailor, would not the inhabitants think themselves warranted by law to interpose in behalf of their fellow-citizen? Now, gentlemen, if the soldiers had no right to interpose in the relief of the sentry, the inhabitants would have no right to interpose with regard to the citizen, for whatever is law for a soldier is law for a sailor and for a citizen. They all stand upon an equal footing in this respect. I believe we shall not have it disputed that it would be lawful to go into King Street and help an honest man there against the press-master. We have many instances in the books which authorize it.

Now, suppose you should have a jealousy in your minds

that the people who made this attack upon the sentry had nothing in their intention more than to take him off his post, and that was threatened by some. Suppose they intended to go a little further, and tar and feather him, or to ride him (as the phrase is in Hudibras), he would have had a good right to have stood upon his defence—the defence of his liberty; and if he could not preserve that without the hazard of his own life, he would have been warranted in depriving those of life who were endeavoring to deprive him of his. That is a point I would not give up for my right hand—nay, for my life.

Well, I say, if the people did this, or if this was only their intention, surely the officers and soldiers had a right to go to his relief; and therefore they set out upon a lawful errand. They were, therefore, a lawful assembly, if we only consider them as private subjects and fellow-citzens, without regard to mutiny acts, articles of war, or soldiers' oaths. A private person, or any number of private persons, has a right to go to the assistance of a fellow subject in distress or danger of his life, when assaulted and in danger from a few or a multitude.

Keyl. 136: "If a man perceives another by force to be injuriously treated, pressed, and restrained of his liberty, though the person abused doth not complain or call for aid or assistance, and others, out of compassion, shall come to his rescue, and kill any of those that shall so restrain him, that is manslaughter."

Keyl.: "A and others without any warrant impress B to serve the king at sea. B quietly submitted, and went off with the press-master. Hugett and the others pursued them, and required a sight of their warrant; but they showing a piece of paper that was not a sufficient warrant, thereupon Hugett with the others drew their swords, and the press-

masters theirs, and so there was a combat, and those who endeavored to rescue the pressed man killed one of the pretended press-masters. This was but manslaughter; for when the liberty of one subject is invaded, it affects all the rest. It is a provocation to all people, as being of ill example and pernicious consequences."

Lord Raymond, 1,301. The Queen *versus* Tooley *et al.* Lord Chief-Justice Holt says: "The prisoner (*i.e.* Tooley) in this had sufficient provocation; for if one be impressed upon an unlawful authority, it is a sufficient provocation to all people out of compassion; and where the liberty of the subject is invaded, it is a provocation to all the subjects of England, etc.; and surely a man ought to be concerned for Magna Charta and the laws; and if any one, against the law, imprisons a man, he is an offender against Magna Charta."

I am not insensible to Sir Michael Foster's observations on these cases, but apprehend they do not invalidate the authority of them as far as I now apply them to the purposes of my argument. If a stranger, a mere fellow-subject, may interpose to defend the liberty, he may, too, defend the life of another individual. But, according to the evidence, some imprudent people, before the sentry, proposed to take him off his post; others threatened his life; and intelligence of this was carried to the main guard before any of the prisoners turned out. They were then ordered out to relieve the sentry; and any of our fellow-citizens might lawfully have gone upon the same errand. They were, therefore, a lawful assembly.

I have but one point of law more to consider, and that is this: In the case before you I do not pretend to prove that every one of the unhappy persons slain was concerned in the riot. The authorities read to you just now say it would be endless to prove whether every person that was

present and in a riot was concerned in planning the first enterprise or not. Nay, I believe it but justice to say some were perfectly innocent of the occasion. I have reason to suppose that one of them was—Mr. Maverick. He was a very worthy young man, as he has been represented to me, and had no concern in the rioters' proceedings of that night; and I believe the same may be said in favor of one more at least, Mr. Caldwell, who was slain; and, therefore, many people may think that as he and perhaps another was innocent, therefore innocent blood having been shed, that must be expiated by the death of somebody or other. I take notice of this, because one gentleman was nominated by the sheriff for a juryman upon this trial, because he had said he believed Captain Preston was innocent, but innocent blood had been shed, and therefore somebody ought to be hanged for it, which he thought was indirectly giving his opinion in this cause. I am afraid many other persons have formed such an opinion. I do not take it to be a rule, that where innocent blood is shed the person must die. In the instance of the Frenchmen on the Plains of Abraham, they were innocent, fighting for their king and country; their blood is as innocent as any. There may be multitudes killed, when innocent blood is shed on all sides; so that it is not an invariable rule. I will put a case in which, I dare say, all will agree with me. Here are two persons, the father and the son, go out a-hunting. They take different roads. The father hears a rushing among the bushes, takes it to be game, fires, and kills his son, through a mistake. Here is innocent blood shed, but yet nobody will say the father ought to die for it. So that the general rule of law is, that whenever one person has a right to do an act, and that act, by any accident, takes away the

life of another, it is excusable. It bears the same regard to the innocent as to the guilty. If two men are together, and attack me, and I have a right to kill them, I strike at them, and by mistake strike a third and kill him, as I had a right to kill the first, my killing the other will be excusable, as it happened by accident. If I, in the heat of passion, aim a blow at the person who has assaulted me, and aiming at him I kill another person, it is but manslaughter.

Foster, 261, § 3: "If an action unlawful in itself is done deliberately, and with intention of mischief, or great bodily harm to particulars, or of mischief indiscriminately, fall it where it may, and death ensues, against or beside the original intention of the party, it will be murder. But if such mischievous intention doth not appear, which is matter of fact, and to be collected from circumstances, and the act was done heedlessly and inconsiderately, it will be manslaughter, not accidental death; because the act upon which death ensued was unlawful."

Suppose, in this case, the mulatto man was the person who made the assault; suppose he was concerned in the unlawful assembly, and this party of soldiers, endeavoring to defend themselves against him, happened to kill another person, who was innocent—though the soldiers had no reason, that we know of, to think any person there, at least of that number who were crowding about them, innocent; they might, naturally enough, presume all to be guilty of the riot and assault, and to come with the same design—I say, if on firing on those who were guilty, they accidentally killed an innocent person, it was not their fault. They were obliged to defend themselves against those who were pressing upon them. They are not answerable for it with their lives; for on supposition it was justifiable or excusable to

kill Attucks, or any other person, it will be equally justifiable or excusable if in firing at him they killed another, who was innocent; or if the provocation was such as to mitigate the guilt of manslaughter, it will equally mitigate the guilt, if they killed an innocent man undesignedly, in aiming at him who gave the provocation, according to Judge Foster; and as this point is of such consequence, I must produce some more authorities for it:

1 Hawkins, 84: "Also, if a third person accidentally happen to be killed by one engaged in a combat, upon a sudden quarrel, it seems that he who killed him is guilty of manslaughter only," etc. H. H. P. C., 442, to the same point; and 1 H. H. P. C. 484, and 4 Black, 27.

I shall now consider one question more, and that is concerning provocation. We have hitherto been considering self-defence, and how far persons may go in defending themselves against aggressors, even by taking away their lives, and now proceed to consider such provocations as the law allows to mitigate or extenuate the guilt of killing, where it is not justifiable or excusable. An assault and battery committed upon a man in such a manner as not to endanger his life is such a provocation as the law allows to reduce killing down to the crime of manslaughter. Now, the law has been made on more considerations than we are capable of making at present; the law considers a man as capable of bearing anything and everything but blows. I may reproach a man as much as I please; I may call him a thief, robber, traitor, scoundrel, coward, lobster, bloody back, etc. and if he kill me it will be murder, if nothing else but words precede; but if from giving him such kind of language I proceed to take him by the nose, or fillip him on the forehead, that is an assault; that is a blow. The

law will not oblige a man to stand still and bear it; there is the distinction. Hands off; touch me not. As soon as you touch me, if I run you through the heart, it is but manslaughter. The utility of this distinction, the more you think of it the more you will be satisfied with it. It is an assault whenever a blow is struck, let it be ever so slight, and sometimes even without a blow. The law considers man as frail and passionate. When his passions are touched, he will be thrown off his guard, and therefore the law makes allowance for this frailty—considers him as in a fit of passion, not having the possession of his intellectual faculties, and therefore does not oblige him to measure out his blows with a yardstick, or weigh them in a scale. Let him kill with a sword, gun, or hedge-stake, it is not murder, but only manslaughter.

Keyling's Report, 135. Regina *versus* Mawgrige. "Rules supported by authority and general consent, showing what are always allowed to be sufficient provocations. First, if one man upon any words shall make an assault upon another, either by pulling him by the nose or filliping him on the forehead, and he that is so assaulted shall draw his sword and immediately run the other through, that is but manslaughter, for the peace is broken by the person killed, and with an indignity to him that received the assault. Besides, he that was so affronted might reasonably apprehend that he that treated him in that manner might have some further design upon him."

So that here is the boundary, when a man is assaulted and kills in consequence of that assault, it is but manslaughter. I will just read as I go along the definition of assault:

1 Hawkins, ch. 62, § 1: "An assault is an attempt or offer, with force or violence, to do a corporal hurt to another, as by striking at him with or without a weapon, or presenting

a gun at him at such a distance to which the gun will carry, or pointing a pitchfork at him, or by any other such like act done in angry, threatening manner, etc.; but no words can amount to an assault."

Here is the definition of an assault, which is a sufficient provocation to soften killing down to manslaughter:

1 Hawkins, ch. 31, § 36: "Neither can he be thought guilty of a greater crime than manslaughter, who, finding a man in bed with his wife, or being actually struck by him, or pulled by the nose or filliped upon the forehead, immediately kills him, or in the defence of his person from an unlawful arrest, or in the defence of his house from those who, claiming a title to it, attempt forcibly to enter it, and to that purpose shoot at it," etc.

Every snowball, oyster shell, cake of ice, or bit of cinder, that was thrown that night at the sentinel, was an assault upon him; every one that was thrown at the party of soldiers was an assault upon them, whether it hit any of them or not. I am guilty of an assault if I present a gun at any person; and if I insult him in that manner and he shoots me, it is but manslaughter.

Foster, 295, 296: "To what I have offered with regard to sudden rencounters let me add, that the blood already too much heated, kindleth afresh at every pass or blow. And in the tumult of the passions, in which the mere instinct of self-preservation has no inconsiderable share, the voice of reason is not heard; and therefore the law, in condescension to the infirmities of flesh and blood, doth extenuate the offence."

Insolent, scurrilous, or slanderous language, when it precedes an assault, aggravates it.

Foster, 316: "We all know that words of reproach, how grating and offensive soever, are in the eye of the law no

provocation in the case of voluntary homicide; and yet every man who hath considered the human frame, or but attended to the workings of his own heart, knoweth that affronts of that kind pierce deeper and stimulate in the veins more effectually than a slight injury done to a third person, though under the color of justice, possibly can."

I produce this to show the assault in this case was aggravated by the scurrilous language which preceded it. Such words of reproach stimulate in the veins and exasperate the mind, and no doubt if an assault and battery succeeds them, killing under such provocation is softened to manslaughter, but killing without such provocation makes it murder.

End of the first day's speech.

PATRICK HENRY

PATRICK HENRY was born in Hanover County, Virginia, in 1736. His father, an immigrant from Aberdeen, Scotland, was a nephew of Robertson, the historian. Patrick Henry received most of his education at a grammar school opened by his father, he showed, as a youth, no marked proficiency in his studies, except perhaps in mathematics. At fifteen he became a clerk in a country store, and subsequently made two attempts at keeping store himself, but these ended in failure Meanwhile his early indifference to learning was replaced by a love of history, especially that of Greece and Rome. At twenty-four he was admitted to the bar, and three years later won his first triumph as counsel for the people in what became known as the "Parsons' Cause." In 1765 he was elected to the House of Burgesses, where he distinguished himself as the author of certain resolutions against the Stamp Act which may be said to have struck the keynote of the struggle for independence in Virginia. In the Virginia Convention of 1775 he delivered a remarkable speech in favor of a motion that the "colony be immediately put in a state of defence." He was appointed by the Convention colonel of the first regiment, and commander of all the forces to be raised in Virginia, but a misunderstanding with the "Committee of Safety" led to his resignation. He was a member of the second Continental Congress of 1775 and of the Virginia Convention of 1776, which framed a new Constitution, and elected Henry the first Republican governor. He was re-elected in 1777 and 1778. In 1780 he became a member of the Legislature, where he continued to serve until he was again elected Governor in 1784. In 1787 he was chosen a delegate to the Federal Constitutional Convention which met at Philadelphia, but he did not attend. In the following year he was a delegate to the Virginia Convention called to ratify the Federal Constitution, but he vehemently opposed that instrument as dangerous to the liberties of the country. In 1795 he declined the position of Secretary of State in Washington's Cabinet; in 1796 the nomination for Governor of Virginia; and in 1797 the mission to France offered by President Adams. Two years later, however, he suffered himself to be elected to the State Legislature because he wished to oppose what he deemed the dangerous doctrine of the Virginia resolutions of 1798. He did not take his seat, however, his death occurring in June of that year. His eloquence, although almost entirely a gift of nature, was vivid and startling, equal to every occasion and of marvellous power in bringing his hearers to a quick decision.

"GIVE ME LIBERTY OR GIVE ME DEATH"

DELIVERED IN THE VIRGINIA CONVENTION, ON A RESOLUTION TO PUT THE COMMONWEALTH INTO A STATE OF DEFENCE, MARCH 23, 1775

Mr. President:

NO MAN thinks more highly than I do of the patriotism, as well as abilities, of the very worthy gentlemen who have just addressed the house. But different men often see the same subject in different lights; and, therefore, I hope it will not be thought disrespectful to those gentlemen, if, entertaining as I do opinions of a character very opposite to theirs, I shall speak forth my sentiments freely and without reserve. This is no time for ceremony. The question before the house is one of awful moment to this country. For my own part, I consider it as nothing less than a question of freedom or slavery; and in proportion to the magnitude of the subject ought to be the freedom of the debate. It is only in this way that we can hope to arrive at truth, and fulfil the great responsibility which we hold to God and our country. Should I keep back my opinions at such a time, through fear of giving offence, I should consider myself as guilty of treason toward my country, and of an act of disloyalty toward the Majesty of Heaven, which I revere above all earthly kings.

Mr. President, it is natural to man to indulge in the illusions of hope. We are apt to shut our eyes against a painful truth, and listen to the song of that siren, till she transforms us into beasts. Is this the part of wise men, engaged in a great and arduous struggle for liberty? Are we

disposed to be of the number of those, who, having eyes, see not, and having ears, hear not, the things which so nearly concern their temporal salvation? For my part, whatever anguish of spirit it may cost, I am willing to know the whole truth; to know the worst, and to provide for it.

I have but one lamp by which my feet are guided, and that is the lamp of experience. I know of no way of judging of the future but by the past. And judging by the past, I wish to know what there has been in the conduct of the British Ministry for the last ten years to justify those hopes with which gentlemen have been pleased to solace themselves and the house. Is it that insidious smile with which our petition has been lately received? Trust it not, sir; it will prove a snare to your feet. Suffer not yourselves to be betrayed with a kiss. Ask yourselves how this gracious reception of our petition comports with those warlike preparations which cover our waters and darken our land. Are fleets and armies necessary to a work of love and reconciliation? Have we shown ourselves so unwilling to be reconciled, that force must be called in to win back our love? Let us not deceive ourselves, sir. These are the implements of war and subjugation; the last arguments to which kings resort. I ask gentlemen, sir, What means this martial array, if its purpose be not to force us to submission? Can gentlemen assign any other possible motive for it? Has Great Britain any enemy, in this quarter of the world, to call for all this accumulation of navies and armies? No, sir, she has none. They are meant for us: they can be meant for no other. They are sent over to bind and rivet upon us those chains which the British Ministry have been so long forging. And what have we to oppose to them? Shall we try argument? Sir, we have

been trying that for the last ten years. Have we anything new to offer upon the subject? Nothing. We have held the subject up in every light of which it is capable; but it has been all in vain. Shall we resort to entreaty and humble supplication? What terms shall we find, which have not been already exhausted? Let us not, I beseech you, sir, deceive ourselves longer. Sir, we have done everything that could be done, to avert the storm which is now coming on. We have petitioned; we have remonstrated; we have supplicated; we have prostrated ourselves before the throne, and have implored its interposition to arrest the tyrannical hands of the Ministry and Parliament. Our petitions have been slighted; our remonstrances have produced additional violence and insult; our supplications have been disregarded; and we have been spurned, with contempt, from the foot of the throne! In vain, after these things, may we indulge the fond hope of peace and reconciliation. There is no longer any room for hope. If we wish to be free—if we mean to preserve inviolate those inestimable privileges for which we have been so long contending—if we mean not basely to abandon the noble struggle in which we have been so long engaged, and which we have pledged ourselves never to abandon, until the glorious object of our contest shall be obtained—we must fight! I repeat it, sir, we must fight! An appeal to arms and to the God of Hosts is all that is left us!

They tell us, sir, that we are weak; unable to cope with so formidable an adversary. But when shall we be stronger? Will it be the next week, or the next year? Will it be when we are totally disarmed, and when a British guard shall be stationed in every house? Shall we gather strength by irresolution and inaction? Shall we

acquire the means of effectual resistance by lying supinely on our backs and hugging the delusive phantom of hope, until our enemies shall have bound us hand and foot? Sir, we are not weak, if we make a proper use of those means which the God of nature hath placed in our power. Three millions of people, armed in the holy cause of liberty, and in such a country as that which we possess, are invincible by any force which our enemy can send against us. Besides, sir, we shall not fight our battles alone. There is a just God who presides over the destinies of nations, and who will raise up friends to fight our battles for us. The battle, sir, is not to the strong alone; it is to the vigilant, the active, the brave. Besides, sir, we have no election. If we were base enough to desire it, it is now too late to retire from the contest. There is no retreat, but in submission and slavery! Our chains are forged! Their clanking may be heard on the plains of Boston! The war is inevitable—and let it come! I repeat it, sir, let it come.

It is in vain, sir, to extenuate the matter. Gentlemen may cry, Peace, Peace—but there is no peace. The war is actually begun! The next gale that sweeps from the north will bring to our ears the clash of resounding arms! Our brethren are already in the field! Why stand we here idle? What is it that gentlemen wish? What would they have? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take; but as for me, give me liberty or give me death!

"WE, THE PEOPLE" OR "WE, THE STATES"?

DELIVERED IN THE VIRGINIA CONVENTION, JUNE 4, 1788, ON THE PREAMBLE AND THE FIRST TWO SECTIONS OF THE FIRST ARTICLE OF THE FEDERAL CONSTITUTION

Mr. Chairman:

THE public mind, as well as my own, is extremely uneasy at the proposed change of government. Give me leave to form one of the number of those who wish to be thoroughly acquainted with the reasons of this perilous and uneasy situation, and why we are brought hither to decide on this great national question. I consider myself as the servant of the people of this Commonwealth, as a sentinel over their rights, liberty, and happiness. I represent their feelings when I say that they are exceedingly uneasy, being brought from that state of full security, which they enjoy, to the present delusive appearance of things. Before the meeting of the late Federal Convention at Philadelphia, a general peace and a universal tranquillity prevailed in this country, and the minds of our citizens were at perfect repose; but since that period they are exceedingly uneasy and disquieted. When I wished for an appointment to this convention, my mind was extremely agitated for the situation of public affairs. I conceive the Republic to be in extreme danger. If our situation be thus uneasy, whence has arisen this fearful jeopardy? It arises from this fatal system; it arises from a proposal to change our government—a proposal that goes to the utter annihilation of the most solemn engagements of the States—a proposal of establishing nine States into a confederacy, to the eventual exclusion of four States. It

goes to the annihilation of these solemn treaties we have formed with foreign nations. The present circumstances of France, the good offices rendered us by that kingdom, require our most faithful and most punctual adherence to our treaty with her. We are in alliance with the Spaniards, the Dutch, the Prussians: those treatises bound us as thirteen States, confederated together. Yet here is a proposal to sever that confederacy. Is it possible that we shall abandon all our treaties and national engagements? And for what? I expected to have heard the reasons of an event so unexpected to my mind, and many others. Was our civil polity, or public justice, endangered or sapped? Was the real existence of the country threatened, or was this preceded by a mournful progression of events? This proposal of altering our Federal Government is of a most alarming nature; make the best of this new government—say it is composed of anything but inspiration—you ought to be extremely cautious, watchful, jealous of your liberty; for, instead of securing your rights, you may lose them forever. If a wrong step be now made, the Republic may be lost forever. If this new government will not come up to the expectation of the people, and they should be disappointed, their liberty will be lost, and tyranny must and will arise. I repeat it again, and I beg gentlemen to consider, that a wrong step, made now, will plunge us into misery, and our Republic will be lost. It will be necessary for this convention to have a faithful historical detail of the facts that preceded the session of the Federal Convention, and the reasons that actuated its members in proposing an entire alteration of government—and to demonstrate the dangers that awaited us. If they were of such awful magnitude as to warrant a proposal so extremely perilous as this, I must assert that

this convention has an absolute right to a thorough discovery of every circumstance relative to this great event. And here I would make this inquiry of those worthy characters who composed a part of the late Federal Convention. I am sure they were fully impressed with the necessity of forming a great consolidated government, instead of a confederation. That this is a consolidated government is demonstrably clear, and the danger of such a government is, to my mind, very striking. I have the highest veneration for those gentlemen; but, sir, give me leave to demand what right had they to say, "We, the People"? My political curiosity, exclusive of my anxious solicitude for the public welfare, leads me to ask who authorized them to speak the language of "We, the People," instead of "We, the States"? States are the characteristics and the soul of a confederation. If the States be not the agents of this compact, it must be one great consolidated national government of the people of all the States. I have the highest respect for those gentlemen who formed the convention; and were some of them not here, I would express some testimonial of esteem for them. America had, on a former occasion, put the utmost confidence in them—a confidence which was well placed; and I am sure, sir, I would give up anything to them; I would cheerfully confide in them as my representatives. But, sir, on this great occasion, I would demand the cause of their conduct. Even from that illustrious man, who saved us by his valor, I would have a reason for his conduct; that liberty which he has given us by his valor tells me to ask this reason, and sure I am, were he here, he would give us that reason: but there are other gentlemen here who can give us this information. The people gave them no power to use their name. That they

exceeded their power is perfectly clear. It is not mere curiosity that actuates me; I wish to hear the real, actual, existing danger, which should lead us to take those steps so dangerous in my conception. Disorders have arisen in other parts of America, but here, sir, no dangers, no insurrection or tumult, has happened; everything has been calm and tranquil. But notwithstanding this, we are wandering on the great ocean of human affairs. I see no landmark to guide us. We are running we know not whither. Difference in opinion has gone to a degree of inflammatory resentment in different parts of the country, which has been occasioned by this perilous innovation. The Federal Convention ought to have amended the old system; for this purpose they were solely delegated: the object of their mission extended to no other consideration. You must therefore forgive the solicitation of one unworthy member to know what danger could have arisen under the present confederation, and what are the causes of this proposal to change our government.

"A NATION—NOT A FEDERATION"

DELIVERED IN THE VIRGINIA CONVENTION ON THE EIGHTH SECTION OF THE FEDERAL CONSTITUTION

Mr. Chairman:

IT IS now confessed that this is a national government. There is not a single federal feature in it. It has been alleged, within these walls, during the debates, to be national and federal, as it suited the arguments of gentlemen.

But now, when we have heard the definition of it, it is

purely national. The honorable member was pleased to say that the sword and purse included everything of consequence. And shall we trust them out of our hands without checks and barriers? The sword and purse are essentially necessary for the government. Every essential requisite must be in Congress. Where are the purse and sword of Virginia? They must go to Congress. What is become of your country? The Virginian government is but a name. It clearly results, from his last argument, that we are to be consolidated. We should be thought unwise, indeed, to keep two hundred legislators in Virginia, when the government is, in fact, gone to Philadelphia or New York. We are, as a State, to form no part of the government. Where are your checks? The most essential objects of government are to be administered by Congress. How, then, can the State governments be any check upon them? If we are to be a republican government, it will be consolidated, not confederated.

The means, says the gentleman, must be commensurate to the end. How does this apply? All things in common are left with this government. There being an infinitude in the government, there must be an infinitude of means to carry it on. This is a sort of mathematical government that may appear well on paper, but cannot sustain examination, or be safely reduced to practice. The delegation of power to an adequate number of representatives, and an unimpeded reversion of it back to the people, at short periods, form the principal traits of a republican government. The idea of a republican government, in that paper, is something superior to the poor people. The governing persons are the servants of the people. There, the servants are greater than their masters; because it includes infinitude, and infinitude

excludes every idea of subordination. In this the creature has destroyed and soared above the creator. For if its powers be infinite, what rights have the people remaining? By that very argument, despotism has made way in all countries where the people unfortunately have been enslaved by it. We are told, the sword and purse are necessary for the national defence. The junction of these, without limitation, in the same hands, is, by logical and mathematical conclusions, the description of despotism.

The reasons adduced here to-day have long ago been advanced in favor of passive obedience and non-resistance. In 1688, the British nation expelled their monarch for attempting to trample on their liberties. The doctrine of Divine Right and Passive Obedience was said to be commanded by Heaven—it was inculcated by his minions and adherents. He wanted to possess, without control, the sword and purse. The attempt cost him his crown. This government demands the same powers. I see reason to be more and more alarmed. I fear it will terminate in despotism. As to his objection of the abuse of liberty, it is denied. The political inquiries and promotions of the peasants are a happy circumstance. A foundation of knowledge is a great mark of happiness. When the spirit of inquiry after political discernment goes forth among the lowest of the people, it rejoices my heart. Why such fearful apprehensions? I defy him to show that liberty has been abused. There has been no rebellion here, though there was in Massachusetts. Tell me of any country which has been so long without a rebellion. Distresses have been patiently borne in this country, which would have produced revolutions in other countries. We strained every nerve to make provisions to pay off our soldiers and offi-

cers. They, though not paid, and greatly distressed at the conclusion of the war, magnanimously acquiesced. The depreciation of the circulating currency very much involved many of them, and thousands of other citizens, in absolute ruin; but the same patient fortitude and forbearance marked their conduct. What would the people of England have done in such a situation? They would have resisted the government, and murdered the tyrant. But in this country no abuse of power has taken place. It is only a general assertion, unsupported, which suggests the contrary. Individual licentiousness will show its baneful consequences in every country, let its government be what it may.

But the honorable gentleman says responsibility will exist more in this than in the British Government. It exists here more in name than anything else. I need not speak of the executive authority. But consider the two houses—the American Parliament. Are the members of the Senate responsible? They may try themselves, and, if found guilty on impeachment, are to be only removed from office. In England the greatest characters are brought to the block for their sinister administration. They have a power there, not to dismiss them from office, but from life, for malpractices. The king himself cannot pardon in this case. How does it stand with respect to your lower house? You have but ten. Whatever number may be there, six is a majority. Will your country afford no temptation, no money to corrupt them? Cannot six fat places be found to accommodate them? They may, after the first Congress, take any place. There will be a multiplicity of places. Suppose they corruptly obtain places. Where will you find them to punish them? At the furthest parts of the Union; in the ten miles square, or within a

State where there is a stronghold. What are you to do when these men return from Philadelphia? Two things are to be done. To detect the offender and bring him to punishment. You will find it difficult to do either.

In England, the proceedings are openly transacted. They deliver their opinions freely and openly. They do not fear all Europe. Compare it to this. You cannot detect the guilty. The publication from time to time is merely optional in them. They may prolong the period, or suppress it altogether, under pretence of its being necessary to be kept secret. The yeas and nays will avail nothing. Is the publication daily? It may be a year, or once in a century. I know this would be an unfair construction in the common concerns of life. But it would satisfy the words of the Constitution. It would be some security were it once a year, or even once in two years. When the new election comes on, unless you detect them, what becomes of your responsibility? Will they discover their guilt when they wish to be re-elected? This would suppose them to be, not only bad men, but foolish men, in pursuit of responsibility. Have you a right to scrutinize into the conduct of your representatives? Can any man, who conceives himself injured, go and demand a sight of their journals? But it will be told that I am suspicious. I am answered, to every question, that they will be good men. In England, they see daily what is doing in Parliament. They will hear from their Parliament in one thirty-ninth part of the time that we shall hear from Congress in this scattered country. Let it be proposed, in England, to lay a poll tax, or enter into any measure, that will injure one part and produce emoluments to another, intelligence will fly quickly as the rays

of light to the people. They will instruct their representatives to oppose it, and will petition against it, and get it prevented or redressed instantly. Impeachment follows quickly a violation of duty. Will it be so here? You must detect the offence, and punish the defaulter. How will this be done when you know not the offender, even though he had a previous design to commit the misdemeanor? Your Parliament will consist of sixty-five. Your share will be ten out of the sixty-five. Will they not take shelter, by saying they were in the minority—that the men from New Hampshire and Kentucky outvoted them? Thus will responsibility, that great pillar of a free government, be taken away.

The honorable gentleman wished to try the experiment. Loving his country as he does, he would not surely wish to trust his happiness to an experiment, from which much harm, but no good, may result.

I will speak another time, and will not fatigue the committee now. I think the friends of the opposition ought to make a pause here; for I can see no safety to my country, if you give up this power.

THE BILL OF RIGHTS

DELIVERED IN THE VIRGINIA CONVENTION ON THE ADOPTION OF THE FEDERAL CONSTITUTION, JUNE 14, 1788

Mr. Chairman:

THE necessity of a Bill of Rights appears to me to be greater in this government than ever it was in any government before. I have observed already that the sense of the European nations, and particularly Great Britain, is against the construction of rights being retained

which are not expressly relinquished. I repeat that all nations have adopted this construction—that all rights not expressly and unequivocally reserved to the people are impliedly and incidentally relinquished to rulers, as necessarily inseparable from the delegated powers. It is so in Great Britain; for every possible right, which is not reserved to the people by some express provision or compact, is within the king's prerogative. It is so in that country which is said to be in such full possession of freedom. It is so in Spain, Germany, and other parts of the world. Let us consider the sentiments which have been entertained by the people of America on this subject. At the Revolution, it must be admitted that it was their sense to set down those great rights which ought, in all countries, to be held inviolable and sacred. Virginia did so, we all remember. She made a compact to reserve, expressly, certain rights.

When fortified with full, adequate, and abundant representation, was she satisfied with that representation? No. She most cautiously and guardedly reserved and secured those invaluable, inestimable rights and privileges which no people inspired with the least glow of patriotic liberty ever did, or ever can, abandon. She is called upon now to abandon them and dissolve that compact which secured them to her. She is called upon to accede to another compact which most infallibly supersedes and annihilates her present one. Will she do it? This is the question. If you intend to reserve your inalienable rights, you must have the most express stipulation; for if implication be allowed, you are ousted of those rights. If the people do not think it necessary to reserve them, they will be supposed to be given up. How were the congressional rights

defined when the people of America united by a confederacy to defend their liberties and rights against the tyrannical attempts of Great Britain? The States were not then contented with implied reservation. No, Mr. Chairman. It was expressly declared in our Confederation that every right was retained by the States, respectively, which was not given up to the government of the United States. But there is no such thing here. You, therefore, by a natural and unavoidable implication, give up your rights to the general government.

Your own example furnishes an argument against it. If you give up these powers, without a Bill of Rights, you will exhibit the most absurd thing to mankind that ever the world saw—a government that has abandoned all its powers—the powers of direct taxation, the sword, and the purse. You have disposed of them to Congress, without a Bill of Rights—without check, limitation, or control. And still you have checks and guards; still you keep barriers—pointed where? Pointed against your weakened, prostrated, enervated State government! You have a Bill of Rights to defend you against the State government, which is bereaved of all power, and yet you have none against Congress, though in full and exclusive possession of all power! You arm yourselves against the weak and defenceless, and expose yourselves naked to the armed and powerful. Is not this conduct of unexampled absurdity? What barriers have you to oppose to this most strong, energetic government? To that government you have nothing to oppose. All your defence is given up. This is a real, actual defect. It must strike the mind of every gentleman. When our government was first instituted in Virginia, we declared the common law of England to be in force.

That system of law which has been admired and has protected us and our ancestors is excluded by that system. Added to this, we adopted a Bill of Rights. By this Constitution some of the best barriers of human rights are thrown away. Is there not an additional reason to have a Bill of Rights? By the ancient common law the trial of all facts is decided by a jury of impartial men from the immediate vicinage. This paper speaks of different juries from the common law in criminal cases; and in civil controversies excludes trial by jury altogether. There is, therefore, more occasion for the supplementary check of a Bill of Rights now than then. Congress, from their general powers, may fully go into the business of human legislation. They may be legislative in criminal cases, from treason to the lowest offence—petty larceny. They may define crimes and prescribe punishments. In the definition of crimes, I trust they will be directed by what wise representatives ought to be governed by. But when we come to punishments, no latitude ought to be left, nor dependence put on the virtue of representatives. What says our Bill of Rights?—"that excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." Are you not, therefore, now calling on those gentlemen who are to compose Congress to prescribe trials and define punishments without this control? Will they find sentiments there similar to this Bill of Rights? You let them loose; you do more —you depart from the genius of your country. That paper tells you that the trial of crimes shall be by jury, and held in the State where the crime shall have been committed. Under this extensive provision, they may proceed in a manner extremely dangerous to liberty; a person accused

may be carried from one extremity of the State to another, and be tried not by an impartial jury of the vicinage, acquainted with his character and the circumstances of the fact, but by a jury unacquainted with both, and who may be biased against him. Is not this sufficient to alarm men? How different is this from the immemorial practice of your British ancestors and your own! I need not tell you that, by the common law, a number of hundreders were required on a jury, and that afterward it was sufficient if the jurors came from the same county. With less than this the people of England have never been satisfied. That paper ought to have declared the common law in force.

In this business of legislation, your members of Congress will lose the restriction of not imposing excessive fines, demanding excessive bail, and inflicting cruel and unusual punishments. These are prohibited by your Declaration of Rights. What has distinguished our ancestors? That they would not admit of tortures, or cruel and barbarous punishment. But Congress may introduce the practice of the civil law, in preference to that of the common law. They may introduce the practice of France, Spain and Germany—of torturing, to extort a confession of crime. They will say that they might as well draw examples from those countries as from Great Britain, and they will tell you that there is such a necessity of strengthening the arm of government that they must have a criminal equity, and extort confession by torture, in order to punish with still more relentless severity. We are then lost and undone. And can any man think it troublesome, when we can, by a small interference, prevent our rights from being lost? If you will, like the Virginian government, give them knowledge of the extent of the rights retained by the people, and the powers of them-

selves, they will, if they be honest men, thank you for it. Will they not wish to go on sure grounds? But if you leave them otherwise, they will not know how to proceed; and, being in a state of uncertainty, they will assume rather than give up powers of implication.

A Bill of Rights may be summed up in a few words. What do they tell us? That our rights are reserved. Why not say so? Is it because it will consume too much paper? Gentlemen's reasoning against a Bill of Rights does not satisfy me. Without saying which has the right side, it remains doubtful. A Bill of Rights is a favorite thing with the Virginians and the people of the other States likewise. It may be their prejudice, but the government ought to suit their geniuses; otherwise, its operation will be unhappy. A Bill of Rights, even if its necessity be doubtful, will exclude the possibility of dispute; and, with great submission, I think the best way is to have no dispute. In the present Constitution they are restrained from issuing general warrants to search suspected places, or seize persons not named, without evidence of the commission of a fact, etc. There was certainly some celestial influence governing those who deliberated on that Constitution; for they have, with the most cautious and enlightened circumspection, guarded those indefeasible rights which ought ever to be held sacred! The officers of Congress may come upon you now, fortified with all the terrors of paramount federal authority. Excisemen may come in multitudes; for the limitation of their numbers no man knows. They may, unless the general government be restrained by a Bill of Rights, or some similar restriction, go into your cellars and rooms, and search, ransack, and measure, everything you eat, drink, and wear. They ought to be restrained

within proper bounds. With respect to the freedom of the press, I need say nothing; for it is hoped that the gentlemen who shall compose Congress will take care to infringe as little as possible the rights of human nature. This will result from their integrity. They should, from prudence, abstain from violating the rights of their constituents. They are not, however, expressly restrained. But whether they will intermeddle with that palladium of our liberties or not, I leave you to determine.

LIBERTY OR EMPIRE?

DELIVERED IN THE VIRGINIA CONVENTION, JUNE 5, 1788

WHAT, sir, is the genius of democracy? Let me read that clause of the Bill of Rights of Virginia which relates to this:

"CLAUSE III.—That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community. Of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of maladministration; and that whenever any government shall be found inadequate or contrary to those purposes, a majority of the community hath an indubitable, unalienable, and indefeasible right to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal."

This, sir, is the language of democracy—that a majority of the community have a right to alter government when found to be oppressive But how different is the genius

of your new Constitution from this! How different from the sentiments of freemen, that a contemptible minority can prevent the good of the majority! If, then, gentlemen standing on this ground are come to that point, that they are willing to bind themselves and their posterity to be oppressed, I am amazed and inexpressibly astonished. If this be the opinion of the majority, I must submit; but to me, sir, it appears perilous and destructive. I cannot help thinking so. Perhaps it may be the result of my age. These may be feelings natural to a man of my years, when the American spirit has left him, and his mental powers, like the members of the body, are decayed. If, sir, amendments are left to the twentieth, or tenth part of the people of America, your liberty is gone forever. We have heard that there is a great deal of bribery practiced in the House of Commons in England, and that many of the members raise themselves to preferments by selling the rights of the whole of the people. But, sir, the tenth part of that body cannot continue oppressions on the rest of the people. English liberty is, in this case, on a firmer foundation than American liberty. It will be easily contrived to procure the opposition of one-tenth of the people to any alteration, however judicious. The honorable gentleman who presides told us that, to prevent abuses in our government, we will assemble in convention, recall our delegated powers, and punish our servants for abusing the trust reposed in them. Oh, sir! we should have fine times, indeed, if, to punish tyrants, it were only sufficient to assemble the people! Your arms, wherewith you could defend yourselves, are gone; and you have no longer an aristocratical, no longer a democratical spirit. Did you ever read of any revolution in a nation, brought about by the punishment of those in

power, inflicted by those who had no power at all? You read of a riot act in a country which is called one of the freest in the world, where a few neighbors cannot assemble without the risk of being shot by a hired soldiery, the engines of despotism. We may see such an act in America.

A standing army we shall have, also, to execute the execrable commands of tyranny; and how are you to punish them? Will you order them to be punished? Who shall obey these orders? Will your mace-bearer be a match for a disciplined regiment? In what situation are we to be? The clause before you gives a power of direct taxation, unbounded and unlimited—an exclusive power of legislation, in all cases whatsoever, for ten miles square, and over all places purchased for the erection of forts, magazines, arsenals, dockyards, etc. What resistance could be made? The attempt would be madness. You will find all the strength of this country in the hands of your enemies; their garrisons will naturally be the strongest places in the country. Your militia is given up to Congress, also, in another part of this plan; they will therefore act as they think proper: all power will be in their own possession. You cannot force them to receive their punishment: of what service would militia be to you, when, most probably, you will not have a single musket in the State? For, as arms are to be provided by Congress, they may or may not furnish them.

Let me here call your attention to that part which gives the Congress power "to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States; reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according

to the discipline prescribed by Congress." By this, sir, you see that their control over our last and best defence is unlimited. If they neglect or refuse to discipline or arm our militia, they will be useless; the States can do neither, this power being exclusively given to Congress. The power of appointing officers over men not disciplined or armed is ridiculous; so that this pretended little remains of power left to the States may, at the pleasure of Congress, be rendered nugatory. Our situation will be deplorable indeed; nor can we ever expect to get this government amended, since I have already shown that a very small minority may prevent it, and that small minority interested in the continuance of the oppression. Will the oppressor let go the oppressed? Was there ever an instance? Can the annals of mankind exhibit one single example where rulers overcharged with power willingly let go the oppressed, though solicited and requested most earnestly? The application for amendments will therefore be fruitless. Sometimes the oppressed have got loose by one of those bloody struggles that desolate a country; but a willing relinquishment of power is one of those things which human nature never was, nor ever will be, capable of.

The honorable gentleman's observations respecting the people's right of being the agents in the formation of this government are not accurate, in my humble conception. The distinction between a national government and a confederacy is not sufficiently discerned. Had the delegates who were sent to Philadelphia a power to propose a consolidated government instead of a confederacy? Were they not deputed by States, and not by the people? The assent of the people, in their collective capacity, is not necessary to the formation of a federal government. The people have

no right to enter into leagues, alliances, or confederations; they are not the proper agents for this purpose. States and foreign powers are the only proper agents for this kind of government. Show me an instance where the people have exercised this business. Has it not always gone through the Legislatures? I refer you to the treaties with France, Holland, and other nations. How were they made? Were they not made by the States? Are the people, therefore, in their aggregate capacity, the proper persons to form a confederacy? This, therefore, ought to depend on the consent of the Legislatures, the people having sent delegates to make any proposition for changing the government. Yet I must say, at the same time, that it was made on grounds the most pure; and, perhaps, I might have been brought to consent to it as far as to the change of government. But there is one thing in it which I never would acquiesce in. I mean the changing it into a consolidated government, which is so abhorrent to my mind.

The honorable gentleman then went on to the figure we make with foreign nations; the contemptible one we make in France and Holland, which, according to the substance of the notes, he attributes to the present feeble government. An opinion has gone forth, we find, that we are contemptible people; the time has been when we were thought otherwise. Under the same despised government we commanded the respect of all Europe; wherefore are we now reckoned otherwise? The American spirit has fled from hence; it has gone to regions where it has never been expected; it has gone to the people of France in search of a splendid government, a strong, energetic government. Shall we imitate the example of those nations who have gone from a simple to a splendid government? Are those

nations more worthy of our imitation? What can make an adequate satisfaction to them for the loss they have suffered in attaining such a government—for the loss of their liberty? If we admit this consolidated government, it will be because we like a great, splendid one. Some way or other we must be a great and mighty empire; we must have an army, and a navy, and a number of things. When the American spirit was in its youth, the language of America was different; liberty, sir, was then the primary object. We are descended from a people whose government was founded on liberty; our glorious forefathers of Great Britain made liberty the foundation of everything. That country is become a great, mighty, and splendid nation; not because their government is strong and energetic, but, sir, because liberty is its direct end and foundation. We drew the spirit of liberty from our British ancestors; by that spirit we have triumphed over every difficulty. But now, sir, the American spirit, assisted by the ropes and chains of consolidation, is about to convert this country into a powerful and mighty empire. If you make the citizens of this country agree to become the subjects of one great consolidated empire of America, your government will not have sufficient energy to keep them together. Such a government is incompatible with the genius of republicanism. There will be no checks, no real balances in this government. What can avail your specious, imaginary balances, your rope-dancing, chain-rattling, ridiculous ideal checks and contrivances? But, sir, "we are not feared by foreigners; we do not make nations tremble." Would this constitute happiness or secure liberty? I trust, sir, our political hemisphere will ever direct their operations to the security of those objects.

Consider our situation, sir; go to the poor man and ask him what he does. He will inform you that he enjoys the fruits of his labor, under his own fig tree, with his wife and children around him, in peace and security. Go to every other member of society; you will find the same tranquil ease and content; you will find no alarms or disturbances. Why, then, tell us of danger, to terrify us into an adoption of this new form of government? And yet who knows the dangers that this new system may produce? They are out of the sight of the common people; they cannot foresee latent consequences. I dread the operation of it on the middling and lower classes of people; it is for them I fear the adoption of this system. I fear I tire the patience of the committee, but I beg to be indulged with a few more observations. When I thus profess myself an advocate for the liberty of the people, I shall be told I am a designing man, that I am to be a great man, that I am to be a demagogue; and many similar illiberal insinuations will be thrown out: but, sir, conscious rectitude outweighs those things with me. I see great jeopardy in this new government. I see none from our present one. I hope some gentleman or other will bring forth, in full array, those dangers, if there be any, that we may see and touch them. I have said that I thought this a consolidated government; I will now prove it. Will the great rights of the people be secured by this government? Suppose it should prove oppressive, how can it be altered? Our Bill of Rights declares that "a majority of the community hath an indubitable, unalienable, and indefeasible right to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal."

I have just proved that one-tenth, or less, of the people

of America—a most despicable minority—may prevent this reform or alteration. Suppose the people of Virginia should wish to alter their government; can a majority of them do it? No; because they are connected with other men, or, in other words, consolidated with other States. When the people of Virginia, at a future day, shall wish to alter their government, though they should be unanimous in this desire, yet they may be prevented therefrom by a despicable minority at the extremity of the United States. The founders of your own Constitution made your government changeable; but the power of changing it is gone from you. Whither is it gone? It is placed in the same hands that hold the rights of twelve other States; and those who hold those rights have right and power to keep them. It is not the particular government of Virginia; one of the leading features of that government is that a majority can alter it when necessary for the public good. This government is not a Virginian, but an American government. Is it not, therefore, a consolidated government? The sixth clause of your Bill of Rights tells you, "that elections of members to serve as representatives of the people in assembly ought to be free, and that all men having sufficient evidence of permanent common interest with and attachment to the community, have the right of suffrage, and cannot be taxed, or deprived of their property for public uses, without their own consent, or that of their representatives so elected, nor bound by any law to which they have not in like manner assented for the public good." But what does this Constitution say? The clause under consideration gives an unlimited and unbounded power of taxation. Suppose every delegate from Virginia opposes a law laying a tax; what will it avail? They are oppressed by a majority; eleven

members can destroy their efforts: those feeble ten cannot prevent the passage of the most oppressive tax law; so that, in direct opposition to the spirit and express language of your Declaration of Rights, you are taxed, not by your own consent, but by people who have no connection with you.

The next clause of the Bill of Rights tells you "that all power of suspending law, or the execution of laws, by any authority, without the consent of the representatives of the people, is injurious to their rights, and ought not to be exercised." This tells us that there can be no suspension of government or laws without our own consent; yet this Constitution can counteract and suspend any of our laws that contravene its oppressive operation; for they have the power of direct taxation, which suspends our Bill of Rights; and it is expressly provided that they can make all laws necessary for carrying their powers into execution; and it is declared paramount to the laws and constitutions of the States. Consider how the only remaining defence we have left is destroyed in this manner. Besides the expenses of maintaining the Senate and other House in as much splendor as they please, there is to be a great and mighty President, with very extensive powers—the powers of a king. He is to be supported in extravagant magnificence; so that the whole of our property may be taken by this American Government, by laying what taxes they please, giving themselves what salaries they please, and suspending our laws at their pleasure. I might be thought too inquisitive, but I believe I should take up very little of your time in enumerating the little power that is left to the government of Virginia, for this power is reduced to little or nothing; their garrisons, magazines, arsenals, and forts, which will be situated in the strongest places within the States; their

ten-mile square, with all the fine ornaments of human life, added to their powers, and taken from the States, will reduce the power of the latter to nothing.

The voice of tradition, I trust, will inform posterity of our struggles for freedom. If our descendants be worthy the name of Americans, they will preserve, and hand down to their latest posterity, the transactions of the present times; and, though I confess my exclamations are not worthy the hearing, they will see that I have done my utmost to preserve their liberty; for I never will give up the power of direct taxation but for a scourge. I am willing to give it conditionally; that is, after non-compliance with requisitions. I will do more, sir, and what I hope will convince the most sceptical man that I am a lover of the American Union; that, in case Virginia shall not make punctual payment, the control of our custom houses, and the whole regulation of trade, shall be given to Congress, and that Virginia shall depend on Congress even for passports, till Virginia shall have paid the last farthing, and furnished the last soldier. Nay, sir, there is another alternative to which I would consent; even that they should strike us out of the Union and take away from us all federal privileges, till we comply with federal requisitions: but let it depend upon our own pleasure to pay our money in the most easy manner for our people. Were all the States, more terrible than the mother country, to join against us, I hope Virginia could defend herself; but, sir, the dissolution of the Union is most abhorrent to my mind. The first thing I have at heart is American liberty; the second thing is American union; and I hope the people of Virginia will endeavor to preserve that union. The increasing population of the Southern States is far greater than that of New

England; consequently, in a short time, they will be far more numerous than the people of that country. Consider this, and you will find this State more particularly interested to support American liberty and not bind our posterity by an improvident relinquishment of our rights. I would give the best security for a punctual compliance with requisitions; but I beseech gentlemen, at all hazards, not to give up this unlimited power of taxation. The honorable gentleman has told us that these powers, given to Congress, are accompanied by a judiciary which will correct all. On examination, you will find this very judiciary oppressively constructed, your jury trial destroyed, and the judges dependent on Congress. . . .

This Constitution is said to have beautiful features; but when I come to examine these features, sir, they appear to me horribly frightful. Among other deformities, it has an awful squinting; it squints toward monarchy; and does not this raise indignation in the breast of every true American? Your President may easily become king. Your Senate is so imperfectly constructed that your dearest rights may be sacrificed by what may be a small minority; and a very small minority may continue forever unchangeably this government, although horridly defective. Where are your checks in this government? Your strongholds will be in the hands of your enemies. It is on a supposition that your American governors shall be honest, that all the good qualities of this government are founded; but its defective and imperfect construction puts it in their power to perpetrate the worst of mischiefs, should they be bad men; and, sir, would not all the world, from the Eastern to the Western Hemisphere, blame our distracted folly in resting our rights upon the contingency of our rulers being good or

bad? Show me that age and country where the rights and liberties of the people were placed on the sole chance of their rulers being good men, without a consequent loss of liberty! I say that the loss of that dearest privilege has ever followed, with absolute certainty, every such mad attempt.

If your American chief be a man of ambition and abilities, how easy is it for him to render himself absolute! The army is in his hands, and if he be a man of address, it will be attached to him, and it will be the subject of long meditation with him to seize the first auspicious moment to accomplish his design; and, sir, will the American spirit solely relieve you when this happens? I would rather infinitely—and I am sure most of this Convention are of the same opinion—have a king, lords, and commons, than a government so replete with such insupportable evils. If we make a king, we may prescribe the rules by which he shall rule his people, and interpose such checks as shall prevent him from infringing them; but the President, in the field, at the head of his army, can prescribe the terms on which he shall reign master, so far that it will puzzle any American ever to get his neck from under the galling yoke. I cannot with patience think of this idea. If ever he violate the laws, one of two things will happen; he will come at the head of the army to carry everything before him; or he will give bail, or do what Mr. Chief-Justice will order him. If he be guilty, will not the recollection of his crimes teach him to make one bold push for the American throne? Will not the immense difference between being master of everything and being ignominiously tried and punished powerfully excite him to make this bold push? But, sir, where is the existing force to punish him? Can he not, at the head of

his army, beat down every opposition? Away with your President! we shall have a king: the army will salute him monarch; your militia will leave you, and assist in making him king, and fight against you: and what have you to oppose this force? What will then become of you and your rights? Will not absolute despotism ensue?

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